Treaſon's Maſter-piece:

OR, A

CONFERENCE

Held at *WHITEHALL*

BETWEEN

OLIVER

The late USURPER,

AND

A COMMITTEE

OF

The then pretended PARLIAMENT;

Who deſired him

To take upon him the Title of KING of *England*, &c. with an intent to exclude the ROYAR LINE.

WHEREIN

Many of the Leading-men of thoſe times did, by unanſwerable Arguments, aſſert and prove MONARCHY to be the only legal, ancient, and neceſſary form of Government in theſe Kingdoms.

Collected by a faithful hand.

LONDON: Printed for *Daniel Major*, at the Hand and Scepter in *Fleetſtreet*, near St. *Dunſtans*-Church. 1680.

THE PREFACE.

IT may be ſaid (and that very truely) That this Iſland of *Great Britain*, which (though ſo called) is but as it were a Span of ground, if compared with many Iſlands in the Univerſe, hath been a greater Stage or Field of Blood for many Centuries of years laſt paſt, than any other I-

ſland or Nation in the world, though of far larger Dimenſions, and capacity of People. And what hath been the occaſion of thoſe tragical Revolutions which have happened therein (eſpecially in the laſt Age) is too eaſie for any impartial man to judge, if he obſerve the Series of the ſeveral Paſſages from 1641, to 1659.

The ſtrange Jealouſies of the Government which had crept into the minds of the People, and the deſire of Change (a thing natural to the Vulgar) together with

with the ſubtile Artifices of the principal Engines of the late Confuſions, who ſtimulated the Diſloyalty of the People under a ſpecious pretence of Piety and Reformation, (when indeed nothing but Covetouſneſs and vile Ambition, as the chief End, and Rebellion as the means to attain to that End, lay like the Snake in the Graſs) did diffuſe ſuch a general Infection through the Veins of the whole Kingdom, as if nothing but the Swords of the Incendiaries could have been the Inſtruments

to let out that ill Bloud. They directed their Points againſt the credulous People as well as againſt the King, who they ſaid had offended: They ſlaughtered many and many thouſands of poor cheated and deluded men, as well as embrued their hands in the bloud of their ſacred and lawful Soveraign: They deceived their ignorant Fellow-ſubjects, as the Turkiſh Emperours are mentioned in Story to impoſe upon their common Souldiers; who when their Armies were to ford any un-

unpaſſable River, were wont to perſwade them, that as many of them as would throw themſelves in, and make a Pile with their Bodies which ſhould fill or dam up that depth, ſhould be ſure to go to *Elyſium*.

Thus did theſe Time-Reformers wade through the Gore of the ignorant People, till they had arrived to the deſired ſhore of their Luſt and Ambition. But no ſooner were they gotten into the Seat of Supremacy, but they fell out amongſt themſelves (like

(like ſo many Robbers for a Booty) who ſhould have the greateſt ſhare in the Spoil and Havock they had made of a Rich and Opulent Kingdom; and who ſhould be the Governours to preſcribe Laws and Methods of Regiment over the People. And at laſt the ſtronger Party of them found it was neceſſary to keep that Power they had by Arbitrary Government, *viz.* force of Arms; ſuch a Force as before they dreamt was intended againſt them.

And

And when they ſaw their illegal form of No-Government was not like to be long-liv'd, and found by Experience that the Nation could be no longer ſupported under, nor relieved from the Exorbitancies of their confuſed Anarchy, then they had Wit enough to prove by Arguments, that MONARCHY was the onely LEGAL, ANCIENT and NECESSARY Form of Government; though they had not ſo much Honeſty as to reſtore that King to his Throne who had Right

to

to rule over them, but endeavoured to ſet up an Uſurper: From whence may be concluded, That it was not Monarchy alone they firſt ſtruck at, but the utter Excluſion of the Royal Line.

And this Artifice had certainly taken effect, had it not been prevented by the under-hand Policies of *Lambert*, and ſome others of the then Ring-leaders: for though *Cromwel* made a ſeeming Denyal, yet it might have been fatal to have truſted him too far.

And

And now, Reader, having ſaid this, I think I need not make any Apology for the publiſhing the enſuing Collection at ſuch a time as this is; a time which looks ſo black and diſmal, which ſeems to be, as it were, the Ghoſt or repreſentation in Effigie of 1641: a Time wherein the Government is threatned by two vaſt Extreams, and ſeems to ſtand *inter Scyllam & Charybdim.* And I could heartily wiſh that a due Conſideration of what is herein contained, may ſerve to the converting the mindes of ſe-

ſeveral perſons, who, I fear, are almoſt ready to revive the *Good Old Cauſe*, and act over the old Tragedy again.

And ſeeing Regal Government is the great Baſis on which the Welfare of this Kingdom ſtands, I wiſh that all Engliſh men would be ſo far from thinking of the alteration of this admirable Conſtitution, as to bleſs Almighty God that we have a King already; ſuch a King, whoſe tranſcendent Clemency towards us, hath far exceeded our deſerts; ſuch a King, to whom

whom (next under God) we owe our Laws, Religion, Wealth, Liberty, and Property; and who graciouſly condeſcended to paſs *An Act of Oblivion* upon his Reſtauration. Therefore pray for an Eſtabliſhment of the preſent Government to the end of days, as prayeth

A hearty lover

of his King and Country,

C. C.

Thurſ-

Thurſday the Ninth of April 1657.

Ordered by the Parliament, that a Committee be appointed to wait upon his Highneſs the Lord Protector, in reference to what his Highneſs did yeſterday propoſe in his Speech, now reported to the Houſe.

Reſolved, That this Committee have power to receive from his Highneſs his doubts and ſcruples, touching any of the particulars contained in the humble Petition and Advice formerly preſented; and in anſwer thereunto, to offer to his Highneſs reaſons for his ſatisfaction, and for the maintainance of the Reſolutions of this Houſe; and ſuch particulars as they cannot ſatisfie his Highneſs in, that they report the ſame to the Parliament.

The Names of the Committee.

Lord *Whitlock.*
Lord *Broghill.*
Maſter of the *Rolls.*
Lord Commiſſioner *Liſle.*
Mr. *Waller.*
Lord *Chief Juſtice.*
Sir *Charles Woolſeley.*
Gen. *Montague.*
Col. *Jepſon.*
Sir *Thomas Jones.*
Sir *William Strickland.*
Col. *Thiſtlethwait.*
Lord Commiſſioner *Fines.*
Sir *Richard Onſlow.*
Sir *Rich. Lucy.*
Mr. *Secretary.*
Attorney of the *Dutchy.*
Attorney General.
Mr. *Godfrey.*
Lord *Howard.*

Col. *Jones.*
Col. *Carter.*
Col. *Whitgrave.*
Col. *Brook.*
Mr. *Lee.*
Mr. *Jenkinſon.*
Mr. *Bampfield.*
Mr. *Drake.*
Col. *Ingoldsby.*
Mr. *Pitts.*
Mr. *Pickering.*
Lord *Cookram.*
Mr. *Grove.*
Mr. *Lloyd.*
Mr. *Nath. Bacon.*
Mr. *Ingoldsby.*
Lord Provoſt of *Edenb.*
Mr. *Bedfor.*
Col. *Ireland.*
Col. *Hacker.*
Major *Wagſtaffe.*
Mr. *Franc. Bacon.*
Mr. *Downing.*
Mr. *Price.*
Maj. Gen. *Whaley.*
Sir *John Reynolds.*
Mr. *Steward.*
Sir *Chriſt. Pack.*
Mr. *Lawrence.*
Alderm. *Foot.*
Capt. *Lilburne.*
Sir *William Roberts.*
Mr. *Trevor.*
Mr. Baron *Parker.*
Mr. *Tigh.*

Sir *John Hobart.*
Mr. *Hamden.*
Mr. *Cromwell.*
Mr. *Throgmorton.*
Mr. *Fleetwood.*
Mr. *Philips.*
Maj. Gen. *Goffe.*
Mr. *Fowell.*
Major *Audley.*
Col. *Wilton.*
Major *Morgan.*
Col. *Wood.*
Maj. Gen. *Berry.*
Lord *Strickland.*
Lord *Cleypoole.*
Mr. *Barkley.*
Major *Burton.*
Mr. *Dunch.*
Col. *Marckham.*
Major *Aſton.*
Maj. Gen. *Bridges.*
Sir *Tho. Rouſe.*
Mr. *Bond.*
Col. *Fowkes.*
Col. *Bridges.*
Mr. *Moody.*
Col. *Groveſnor.*
Mr. *Gorges.*
Earl of *Tivedale.*
Sir *John Weeſnes.*
Dr. *Douglas.*
Major *Beake.*
Mr. *Briſcoe.*
Capt. *Stone.*
Mr. *Lucy.*

Col.

Col. *Harvey.*
Sir *Liſtebone Long.*
Mr. *Thelwall.*
Sir *Edward Roads.*
Sir *Francis Norris.*
Col. *Sydenham.*
Mr. *Rouſe.*
Mr. *Tromball.*
Mr. *Burton.*

To meet forthwith in the Speaker's Chamber.

Reſolved, That this Committee have Power to appoint ſome of their number to attend his Highneſs, to deſire him to appoint a time when they may wait upon him according to thoſe Votes.

Hen. Scobell Clerk of the Parliament.

The Lord Whitlock, 11 April.

I Only underſtand, that by Order of the Parliament, this Committee are tied up to receive what your Highneſs ſhall be pleaſed to offer, as to your Doubts or Scruples upon this Paper: The very words of the Order are, *That the Committee have Power to attend your Highneſs, to receive from your Highneſs your Doubts and Scruples, touching any the particulars contained in the humble Petition and Advice, formerly preſented; and in anſwer thereunto, to offer to your Highneſs Reaſons for your Satisfaction, and for the maintenance of the Reſolutions of the Houſe; and ſuch particulars as we cannot ſatisfie your Highneſs in, that we may report the ſame to the Parliament, what particulars your Highneſs ſhall think fit to object.*

Your Highneſs is pleaſed to mention the Government, as it now is, and ſeems to ſome of our apprehenſions, as if your Highneſs did make that an Objection, *If the Government be well, why do you change it?* If that be intended by your Highneſs as an Objection in the ge-

neral, I ſuppoſe the Committee will give you ſatisfaction.

Lord Protector.

SIR, I think that neither you nor I, but meet with a very good heart, to come to ſome iſſue of this great buſineſs; and truly that is, that I cannot aſſure you I have all the reaſon and argument in the world to move me to it, and am exceeding ready to be ordered by you in the way of proceeding, onely I confeſs according to thoſe thoughts I have, as I have anſwered my own thoughts in preparing for ſuch a work as this is: I have made this notion of it to my ſelf: That having met you twice, at the Committee firſt, and returned you that anſwer that I gave you then; and the Houſe a ſecond time: I do perceive that the favour and the indulgence that the Houſe ſhews me in this, is, that I might receive ſatisfaction: I know they might have been poſitive in the thing, and ſaid they had done enough, if they had onely made ſuch an addreſs to me; they might have inſiſted upon it, onely to offer it, yet I could plainly ſee, it was my ſatisfaction they aimed at; I think really and ſincerely, it is my ſatisfaction that they intend, and truely I think there is one clauſe in the Paper, that doth a little warrant that, *to offer ſuch reaſons for his ſatisfaction, and for the maintainance of the Reſolutions of the Houſe.*

Now Sir it's true, the occaſion of all this, is the anſwer that I made, that occaſions a Committee to come hither, in order to my ſatisfaction: and truly Sir I doubt (if you will draw out thoſe reaſons from me, I will offer them to you, but I doubt on my own part) if you ſhould proceed that way, it would put me a little out of the method of my own thoughts, and it being mutual ſatisfaction that is endeavoured, if you will do me the favour, it will more agree with my method; I ſhall take it as a favour, if it pleaſe you, I will leave you to conſider together your own thoughts of it.

Lord

Lord Whitlock.

THe Committee that are commanded by the Parliament, and are here preſent to wait upon your Highneſs, I do ſuppoſe cannot undertake to give the Reaſons of the Parliament, for that they have done; but any Gentleman here can give his own particular apprehenſion for your Highneſs ſatisfaction; and if you will be pleaſed to go in the way which you have propounded, and either in general or in particular to require a ſatisfaction from the Committee, I ſuppoſe we ſhall be ready to do the beſt we can to give you ſatisfaction.

Lord Protector.

I Think if this be ſo, then I ſuppoſe nothing can be ſaid by you, but what the Parliament hath dictated to you, and I think that is clearly expreſt, that the Parliament intends ſatisfaction; then is it as clear, that there muſt be Reaſons and Arguments, that have light and conviction in them, in order to ſatisfaction.

I ſpeak for my ſelf in this, I hope you will think it no otherwiſe: I ſay it doth appear ſo to me; that you have the liberty of your own reaſons; I think if I ſhould write any of them, I cannot call this the Reaſon of the Parliament. The Parliament in determinations and concluſions, by Votes of the ſeveral particulars of the Government, that Reaſon is dilated, and diffuſed, and every man hath a ſhare of it; and therefore when they have determined ſuch a thing, certainly it was reaſon that led them up into it; and if you ſhall be pleaſed to make me partaker of ſome of that Reaſon, I do very reſpectfully repreſent to you, that I have a general diſſatisfaction at the thing; and I do deſire that I may be informed in the grounds that lead you, whom I preſume are all ſatisfied perſons to the thing, and every part of it; and if you will be pleaſed to think ſo fit, I will not farther urge it upon you: To proceed that way,

it will be a favour to me; otherwiſe I ſhall deal plainly with you: It doth put me out of the method of my own conceptions, and then I ſhall beg that I may have an hours deliberation, that we might meet again in the Afternoon.

Lord Chief-Juſtice.

THe Parliament ſent us to wait upon your Highneſs, to give your Highneſs any ſatisfaction that is in our underſtandings to give: the whole Paper conſiſts of many Heads, and if your Highneſs intend ſatisfaction, the Propoſitions being general, we can give but general Satisfaction; and therein we are ready, if that be your Highneſs meaning: I think we ſhall be ready to give ſatisfaction, as far as our Underſtandings.

Lord Protector.

IF you will pleaſe to give me leave, I do agree, truely the thing is a general, as it is either falling under the notion of Settlement: that's a general that conſiſts of many particulars; and truely if you call it by that that it is Tituled, there it is general, it is Advice, Deſires and Advice; and that (the truth is) that I have made my Objection in, is but to one thing as yet; only the laſt time I had the honour to meet the Parliament, I did offer to them, that they would put me into a condition to receive ſatisfaction to the particulars: no queſtion I might eaſily offer ſomething particular for debate, if I thought that that would anſwer the end; for truely, I know my end and yours is the ſame, that is, to bring things to an iſſue one way or other, that we may know where we are, that we may attain that general end, that is, Settlement; the end is in us both, and I durſt contend with any one perſon

ſon in the world, that it is not more in his heart, than in mine. I could go to ſome particulars to ask a Queſtion, or ask a Reaſon of the Alteration, which would well enough let you into the buſineſs, (that it might) yet I ſay it doth not anſwer me: I confeſs I did not ſo ſtrictly examine that Order of reference, or whether I read it or no, I cannot tell you; If you will have it that way, I ſhall (as well as I can) make ſuch an Objection as may occaſion ſome anſwer to it, though perhaps I ſhall object weak enough, I ſhall very freely ſubmit to you.

Lord Chief-Juſtice.

THe Parliament hath commanded us for that end, to give your Highneſs ſatisfaction.

Lord Commiſſioner Fines.

MAy it pleaſe your Highneſs, Looking upon the Order, I finde that we are impowred to offer any Reaſons that we think fit, either for the ſatisfaction of your Highneſs, or maintenance of what the Parliament hath given you their advice in; and I think we are rather to offer to your Highneſs the Reaſons of the Parliament, if your Highneſs Diſſatisfaction be to the Alteration of Government in general, or in particular.

Lord Protector.

I Am very ready to ſay, I have no Diſſatisfaction, that it hath pleaſed the Parliament to finde out a way (though it be of alteration) to bring theſe Nations into a good Settlement; and perhaps you may have judged the Settlement we were in, was not ſo much for the great End of Government, the Liberty and Good of

the Nations, and the preſervation of all thoſe honeſt Intereſts that have been engaged in this Cauſe; I ſay, I have no exception to the general, that the Parliament hath thought fit to take conſideration of a new Settlement, or Government; but you having done it as you have, and made me ſo far intereſted in, as to make ſuch an Overture to me, I ſhall be very glad, if you ſo pleaſe to let me know it, that beſides the pleaſure of the Parliament, may be ſomewhat of the Reaſon of the Parliament, for intereſting me in this thing, and for making the alteration ſuch as it is: Truly, I think, I ſhall as to the other particulars ſwallow this, I ſhall be very ready to aſſign particular Objections to clear that to you, that may be either better to clear, or to help me at leaſt to a clearer underſtanding of the things for better good, for that I know is in your hearts as well as mine. Though I cannot preſume that I have any thing to offer to you, that may convince you: But if you will take in good part, I ſhall offer ſomewhat to every particular. If you pleaſe, as to the firſt of the thing, I am clear as to the ground of the thing, being ſo put to me, as it hath been put; I think that ſome of the grounds upon which it is done, will very well lead into ſuch Objections or Doubts as I may offer, and will be a very great help to me in it; and if you will have me offer this, or that, or the other doubt that may ariſe methodically, I ſhall do it.

Lord *Whitlock*.

I Am very much aſſured, that all this company is come with the ſame Affection and faithful Reſpect to the Publick Settlement, as your Highneſs hath pleaſed to expreſs. For my part, I do with a great deal of Clearneſs and Faithfulneſs; and in my particular apprehenſion,

prehenſion, I conceive that the Method that your Highneſs mentioned to proceed in, we may anſwer; and if any Gentleman be of another opinion, he will be pleaſed to correct me in it.

The Parliament taking conſideration of the preſent Government, and the Inſtrument that doth eſtabliſh it, ſeemeth to my apprehenſion to be of opinion, that it was very fit, there ſhould be ſome courſe taken for a Settlement in the Government of the Nation, by the Supream Legiſlative Power; your Highneſs and the Parliament concurring together in it, they found the Inſtrument of Government in the Original and Foundation of it, to require this Settlement by the Supream Legiſlative Power, in regard of the Original of the other; which they did, as I apprehended by ſome Gentlemens Debates upon it, might be an occaſion of ſome doubts, and of leſs ſtability, if it were left to continue upon the ſame foundation it is.

That it will not be ſo clear a Settlement and Foundation for the Preſervation of the Rights and Liberties of the Nation, as if we came to a Settlement by the Supreme Legiſlative Power; upon that ground it was taken into Conſideration, and a Settlement brought to effect, upon very ſolemn, full, and candid Debates among themſelves in Parliament.

Their Intentions, I ſuppoſe, were only theſe; *To provide for the Safety and Peace of the Nations hereafter, to provide for the Rights and Liberties, both Spiritual and Civil, of the People of theſe Nations*; and in order to make the beſt proviſion they could, for theſe great Concernments of the People, the Petition and Advice which they have humbly preſented to your Highneſs, was brought to a determination by them.

For

For that particular which your Highneſs did formerly intimate, when the Parliament did attend upon you, the Committee of the Parliament, and which you are now pleaſed to intimate, concerning the Title, I do humbly apprehend the grounds of that to be theſe.

The foundation of that Title of *Protector* being not known by the Law, being a new Title, it was thought, that the Title which is known by the Law of *England* for many Ages, many hundred of years together received, and the Law fitted to it, and that to the Law, that it might be of more certainty and clear Eſtabliſhment, and more conformable to the Laws of the Nation; that that Title ſhould be that of *King*, rather than that other of *Protector*. There is very much as to the eſſence of the buſineſs, as ſome Gentlemen did apprehend; That the Title ſhould be a known Title, that hath been in all theſe Times and Ages received, and every particular perſon hath occaſion of knowing of it, and of his Rights applied to it: And likewiſe of the general Rights of the People and their Liberties, have an application to that Name, which application cannot be ſo clear and ſo certain to a new Title, the Title of *Protector*. (Some Gentlemen I heard reaſon it) that the Title of *Protector* is only upon the Original and Foundation as it now ſtands; but the Title of *King*, beſides the Conſtitutions by which it ſhall be made, will likewiſe have a Foundation upon the old and known Laws of the Nation; So that there will be both the preſent Conſtitution, and likewiſe the ancient Foundation of the Laws of *England* to be the *Baſis* of the Title of *King*: What Changes of this nature may bring of Inconvenience with them, can hardly in every particular be foreſeen; but it is imagined, that many will be, that poſſibly we may not be able beforehand to comprehend; but there ſeems to be more of certainty and ſtability, and

of

of the Supream Authority, civil Sanction upon the Title, than upon the other: This I humbly apprehend to be one reason, concerning both the establishment of the whole; and as to that particular, which I think is the first part of it, your Highness seemed to intimate.

Master of the Rolls.

MAy it please your Highness, I am very glad that there is such a latitude as we may shew our selves here, as I know the Parliament intends to give your Highness all satisfaction as may be: and truly I say upon the first head, which your Highness is pleased to call a *Title*, as if it were a bare *Title*, which I must humbly crave pardon if I do not think, nor the House did not think, but it carries more in it of weight than a meer *Title*; for upon due consideration you shall find that the whole body of the Law is carried upon this Wheel, it is not a thing that stands on the top meerely, but runs through the whole life and veins of the Law; you cannot almost make any thing, or do any thing; look upon all our Laws ever since we had Laws, look upon all the Constitution, still there is such an interest, not of the *Title*, but of the name *King*, besides the *Title*, (that's not the thing) for the *Title* you may rather tye it to the person than the thing, but the word *King* doth signifie the person. Now Sir, we do see in all the ways of our proceedings in the maintaining of the Rights, Properties and Interests of the people, and of the Prerogative of the chief Magistrate, that the very Office carries on the business and not the *Title*, and yet it must be such a *Title* too, as implies the Office, and makes the Office suitable to the Law; It's the Office that doth dignifie the person, not the person the Office: I shall crave your Highness pardon if I speak any thing amiss, we see that the very Office

Office that carries on, and not the Perſon; yet that Office muſt have a ſuitableneſs. I have obſerved all along, that we have had many Debates that have ariſen in this Nation about the thing, but the ground and reaſon why they have adhered to this Title, was for the maintenance of their Liberties, not for the change of the Office. I muſt confeſs, I do not ſee that the other Title will do the ſame thing, that other Title hath no further latitude, nor extent, but the very Inſtrument, it goes no further, for the very Inſtrument is the foundation of it; we can finde no further Inſtrument original: we have had thoſe Names heretofore, but never grounded upon the thing it ſelf, but grounded upon the Office of a *King*; they had no Office, or Duty to perform, but what was under the Office and Duty of a *King*, 'tis very true, it is not ſo now certainly, for you have now a Title upon that foundation that is your Inſtrument, and it can reach no further, it is a Title that I cannot ſee, I muſt confeſs, but that we have a good Magiſtrate, and good Officers, but it may extend whither it will, it hath no limit at all; but the Chief Magiſtrate, if he ſhould prove otherwiſe, you have no limit by it by any rule of Law that I underſtand: If you pleaſe, give me leave to tell you, the very Inſtrument does give a foundation to the Title of *Protector*, I am ſure, to croſs if he pleaſe, the moſt Fundamental Points that the Law hath. There was a time when a Prince of this Nation (a very late time too) would change this Name, and it was a very ſlender change; for it was but from the *King* of *England*, to the *King* of *Great Britain*, and this was preſented to the Parliament; it had a Debate of many days, and it was reſolved there and ſettled, that they could not change, there was ſo much hazard in that change, they knew not but that all their Rights and Liberties might be thereby altered: and when the King ſaw he could not obtain it of the Houſe, he declared by Procla-

Proclamation, that he never intended to take any name upon him, that ſhould put a doubt to the Liberties and Priviledges of Parliament, and cauſed this Proclamation to be put among the Statutes, I may ſay it indeed very cunningly to be Printed, and put among the Statutes, (though indeed it was none) and becauſe there was a danger, he laid it down willingly; only (ſaies he) your Divines in the Pulpits ſhall pray for me by the Title (*King of Great* Britain,) and Ambaſſadours ſhall make their Addreſs by that name; but your Laws I will not alter the name. In the Parliament there was a queſtion, Whether we ſhould not alter the name of Parliament, and call it, *The Repreſentative of the People*; but the whole Houſe went upon this ground, that by changing the name of Parliament to a Repreſentative, we did not know how it might change the very courſe, ground and reaſon of Parliament: There is a great deal of thing in the very name. I remember a very Honourable Perſon, now with God, was then very earneſt for it, for having this name changed, and he did ſhew many Reaſons for it; but hearing the Debates and Reaſons againſt it, he ſat down and was ſatisfied; I think I may name him, it was my Lord *Ireton*, who did ſay he was ſatisfied, it was not fit to be done at that time. It is a famous Story in every mans mouth heretofore, when there was but a little intention to change the Law, it was a general Reſolution given by the Lords, *Nolimus Leges Angliæ mutare:* It's doubted, yea conceived not poſſible, to annex the Laws and the Title of *Protector* together; this I muſt ſay, we come now with an intention of a perfect Settlement, ſuch as may give ſafety to the Nation, to your Perſon, to the People: for indeed, Sir, they are very jealous of their Laws and Liberties, and have bin in all Ages; and though it may not have an intention to do ſuch a thing, yet if you have a doubt, 'tis better and more ſafe for the Chief Magiſtrate, to keep that which hath no doubt then.

The

The Parliament laying their intereſt and their regard to you together, and giving you this advice, this is *Vox populi*, for it is the voice of Three Nations in one Parliament. Upon public's intereſt the chief thing is the ſafety of the people; that ſafety, your will, your judgment, nay, give me leave to tell you, your Conſcience is bound to it, for it is the principal end of Government and Governours: this is preſented to you by Three Nations, by the Parliament, although you may make your heſitations, yet ſuch a thing of great weight and conſequence: I know this, that what I have ſaid may ſeem to imply as if we ſhould fall upon a point: By the Laws I can ſay in all Generations, this is mine, and this is the Princes, and the Prince cannot do me wrong, nor the Council do me wrong, *&c.* Therefore I think you may ſafely, and I hope will agree to this particular, as we have preſented it: I dare not ſay that your Highneſs (as it comes as advice from Parliament) ought to do ſo.

The Lord Protector.

I Cannot deny but the things that have been ſpoken, have been ſpoken with a great deal of weight, and it is not fit for me to ask of any of you, if you have a mind to ſpeak farther of this; but if it had been ſo their pleaſure, truly then I think it would have put me in according to the method and way I have conceived to my ſelf, to the more preparedneſs to have return'd ſome anſwer: and if it had not been to you a trouble, I am ſure the buſineſs requires it from any man in the world, if he were in any caſe, much more from me, to make ſerious and true anſwers, I mean ſuch as are not feigned in my own thoughts, but ſuch wherein I expreſs the truth and honeſty of my heart; I mean that by true anſwers, I did hope, that when I had heard you ſo far

as

as it is in your pleaſure to ſpeak to this head, I ſhould have then (taking ſome ſhort notice as I did) have been in a condition this afternoon, if it had not been a trouble to you, to have returned my anſwer upon a little adviſement with my ſelf; but ſeeing you have not thought it convenient to proceed this way, truly I think I may very well ſay, that I had need have a little thoughts of the thing to return an anſwer to it, leſt your debate ſhould end on my part, with a very vain diſcourſe, and with lightneſs, which it is very like to do: I ſay therefore, if you think to proceed farther to ſpeak to theſe things, I ſhould have made my own ſhort Animadverſions on the whole this afternoon, and made ſome ſhort reply; and this would have uſhered me in, not onely to have given the beſt anſwer I could, but to have made my own objections.

Lord Chief Juſtice.

SInce it is your Highneſs pleaſure, that it ſhould be ſpoken now altogether, by thoſe that have any thing to ſay: I think it will be the intent of the Committee and the Parliament, to give your Highneſs ſatisfaction in all particulars, both ſubſtance and circumſtance: I confeſs I waited for objections from your Highneſs, that being the principal ſcope of the Order: Truly my Lord, I ſtand up with no confidence that I can add any thing to what hath been ſaid; but becauſe it pleaſes your Highneſs to do us the great favour to put us to particulars, I think the queſtion before you is but ſingly thus: I am already *Protector*, and I have that Office put to the Government, whereby we meet the Parliament now: we deſire you to take upon you the Office of *King*; why do you ſo?

That which we are to ſpeak here, is no other, but that which

which we can underſtand was the ſenſe of the Parliament, in juſtification of what they have done: I ſhall not ſpeak any thing of the Government it ſelf, but to this particular; I think the Office of a King is a lawful Office, and the Title too, approved of by the Word of God, that's plain. It is plain likewiſe, it is an Office that hath been exerciſed in this Nation from the time it hath been a Nation: And I think it is as true, that there never was any quarrel with the Office, but the Male-adminiſtration, that I can remember, about the ill Government; Oftentimes Kings have been blamed, and very juſtly, for their ill Government, but we do not read that there was any Challenge by the Parliament, that this Government we deſire to be diſcharged of: If that be true, it is to me a ſtrange ground, having paſt the ſcrutiny of ſo many Parliaments, where they did debate *de re*, that in all theſe Debates they did not charge it upon the Nation, that the place is a burthen in its own nature, and this too, when Parliaments have had opportunity to have changed the Government. The name of *KING* is a name known by the Law, and the Parliament doth deſire, that your Highneſs would aſſume that Title; theſe are the Grounds why the Parliament make it their humble Advice and Requeſt to your Highneſs that you would be pleaſed to aſſume that Title, and I think there is ſomething more in it: You are now Lord *Protector* of the Three Nations, by the Inſtrument, and there is a Clauſe of this Government, that you ſhould govern according to Law, and your Highneſs is ſworn to that Government: The Parliament doth apprehend that it is almoſt impoſſible for your Highneſs to anſwer the expectation of the People, to be governed by the Laws, and yet you are ſo tied up, that neither they can rationally call for it, nor you conſcientiouſly do it, and ſo there is neither Lord *Protector*, nor the People, upon a ſure

Eſtabliſh-

eſtabliſhment, for there ſtands the caſe: A *King* hath run through ſo many Ages in this Nation, and hath Governed the Nation by that Title and Stile, that it is known to the Law; for the Law of the Nation is no otherwiſe, than what hath been a cuſtom to be practiſed, as is approved by the people to be good; that's the Law and nothing elſe, excepting Acts of Parliament; and now they have been Governed by that *Title*, and by that *Miniſter*, and by that *Office*. If ſo be your Highneſs ſhould do any Act, and one ſhould come and ſay, *My Lord Protector*, why are you ſworn to Govern by the Law, and you do thus and thus, as you are Lord *Protector*, do I? why, how am I bound to do? why, the *King* could not have done ſo, why, but I am not *King*, I am not bound to do as the *King*, I am Lord *Protector*; ſhew me that the Law doth require me to do it as *Protector*, if I have not acted as *Protector*: ſhew me where the Law is, why you put any one to a ſtumble in that caſe: this is one thing that I humbly conceive did ſtick in the Parliament as to that particular. Another thing is this, you are *Protector*, which is a new Office not known to the Law, and made out of doors: you are call'd upon, that you would be pleaſed to accept that Office of a *King*, that is, by the whole people; it's the firſt Government that ſince theſe troubles hath been tendred, by a general and univerſal conſent of the people. Another thing is this, if any ſhould find fault with them, and ſay, why, how came you to make Governments in this caſe? why, the anſwer is, we are a Parliament, and have your ſuffrage, you have ever truſted us with all your Votes, and we will juſtifie it: but beſides, we have not done it neither; we have but ſetled it upon the old Foundations, then the *Kingſhip*, however ſome may pretend, a *King's* Prerogative is ſo large, that we know it not, it is not bounded; but the Parliament

are not of that opinion. The *Kings* Prerogative is known by Law, he did expatiate it beyond the duty; that's the evil of the man: but in *Westminster*-Hall the Kings Prerogative was under the Courts of Justice, and is bounded as well as any Acre of Land, or any thing a man hath, as much as any controversie between party and party. And therefore the Office being lawful in its nature, known to the Nation, certain in it self, and confined and regulated by the Law, and the other Office being not so, that was a great ground of the reason why the Parliament did so much insist upon this Office and Title, not as circumstantial, but as essential; yea, it is the head from whence all the Nerves and Sinews of the Government do proceed, as was well said by the Master of the Rolls: If we put a new head, its a question whether those Nerves and Sinews will grow, and be nourished and strengthned with that head. I had something in my thoughts which I had forgot; something of an objection. Why are you so pertinacious, or insist so much upon this Title? you may not apply all the Powers and Authorities unto the Office of *Protector*, and then you will give satisfaction: I must needs say, he that makes this objection, makes it but meerely but a Name. If any shall say, I am content the *Protector* shall have the Office, but not the Name, I think this man is very strait laced; then he puts it meerly upon the word, and truly if there be no more in it; if there be nothing but that word, you have in the ballance with it the desires of the Parliament. I beseech you do not break with your Parliament for a word. Another objection is, we have been under the *Protector*, and the Judges have taken their Office under that Government, and the Judges have taken their measure by the Authority of the *King*, and have taken it to be the same with that of *King*, and so go on. I confess that the Judges have gone very far that way,

and

and I may not ſpeak my own opinion of this caſe in this place, but yet it is very well known that there hath been variety of opinions and judgments in this caſe, even from thoſe that have been Judges of the Nation, and I do not take the people upon a very good eſtabliſhment, when there ſhall be no doubtings in thoſe that ſhould be beſt knowing. I would never make a doubt that tends to the ſhaking of foundations, if I ſhould avoid it. The taking of this Office will avoid a doubt, the continuing of the other Office may be more uncertain: I would never make a doubt where it may be dear: perhaps the taking of the other would reduce men to ſatisfaction; there is but a perhaps in the one, and a certainty in the other.

11 *Of* April, *Sir* Charles Wooleſley.

NOt onely we that are here, but many honeſt hearts in *England*, rejoyce to ſee this day, wherein your Highneſs and the Parliament are with ſo much nearneſs and affection debating the ſettlement of the Nation. One reaſon why your Highneſs ſhould take this title offered you by the Parliament, is, becauſe as you ſtand in relation to the old Government you are obliged to the Law, yet have not the advantage of the Law, which the chief Magiſtrate ought to have. The Law knows not a *Protector*, and requires no obedience from the people to him. The Parliament deſires to ſettle one ſo, that the people may know your duty to them, and they their duty to you. The Parliament find the minds of the people of theſe Nations much ſet upon this *Office* and *Title:* God hath by his providence put a general deſire of it in the Nation, and they think in things not unlawful they ought

to hearken, and to be much inclined by the desires of them that sent them, and in such things as are for their good, as this is; to be much provoked thereby to the doing of them.

Truly Sir, it hath been much in the thoughts of the Parliament, that the reason why things of late have been so unsetled throughout in the Nations, hath been because, that to the body of this people, there hath not been a legal head: The well-being of the head, is not more necessary to the wholsome constitution of the body natural, than a right head is necessary to the body politick. I may humbly tell your Highness, this Nation hath ever been a lover of *Monarchy*, and of *Monarchy* under the Title of a *King*: the Name and Office hath for above a thousand years been in this Nation: though they have often changed their Princes, yet never the Name nor Office. 'Tis the great Common Law, that is the Custome of the Nation, approved good by many ages, to have the Office and Name of a *King*: no new Law that makes any other, can have that validity, which the Custom of so many ages hath. Sir, the Parliament doth judge the safety of your person much concerned to take this Title; and 'tis not your self they look to (though their hearts are full of honour I may say it to your Highness as can be) but to you as chief Magistrate, representing the people, and being head of the Law, and all Magistracy; the people hath a share and concernment in you: We see this hath been the great encouragements of these attempts against your person, that the Law did not take notice of you as chief Magistrate, and that Juries were generally backward to find any guilty for Treason, for attempting against you: the Parliament cannot think it fit, to have their chief Magistrate in such a condition. Your Highness hath been pleased to call your self (as when you speak

to

to the Parliament) a *ſervant*, you are ſo indeed to the people, and 'tis your greateſt honour ſo to be. I hope then Sir, you will give the people leave to name their own ſervant, that is a due you cannot, you will not certainly deny them: their Repreſentatives deſire you will ſerve the People under this Title, and were there no other reaſon, therefore it is the beſt. I beſeech your Highneſs conſider, if you ſhould refuſe this *Title* the Parliament preſents you with, you do not only deny your ſelf the honour they put upon you, but you deny the Nation, you deny the people their honour, which by right they ought to have. 'Tis the honour and their juſt birth-right, to have a Supream Magiſtrate with the Title of a *King*. I know Sir, though you can deny your ſelf, yet you will not deny the Nation their due, when their Repreſentative challenge it from you. The Parliament have highly engaged all the good people of this Nation, to make you who are one of them, (and have been in theſe troubles their Head and Leader) to be their *King*. And certainly Sir, whatever diſſatisfaction may be in this caſe, it ought not to weigh: if there be any Judge on Earth of the peoples good, 'tis the whole people repreſented together, and what others ſay, it is but by individuals. Sir, the Parliament have hundreds, nay thouſands upon their backs, the good people of the Nation, a quiet peaceable people, with you, and what the Parliament ſhall judge fit, is their duty, and no doubt they will ſubmit: Sir, were there in this matter no other reaſon why you ſhould accept this, I know this alone, which indeed is the greateſt reaſon I can give, would ſway you above any thing, that what is before you is the advice of your great Council the Parliament.

Lord Commiſſioner Fines.

I Shall offer what I conceive from their debates to be the reaſons why they adviſe your Highneſs to this Title; and ſeeing what is in the fountain muſt be conveyed by ſuch pipes, I ſhall clear the ſtate of the Queſtion: In the firſt place, if I miſtake not, is onely upon *name*, not upon any thing, not upon the Office of a *King*, but upon the Title of a *King*, for the queſtion is, whether the ſame thing ſhall be ſignified by the Office of a *King*, under the name of a *King*; or by the Office of a *King*, under the name of a *Protector*. Undoubtedly the Office of a *King* may be more exerciſed under another name, than it may if the powers be not *Kingly*, though the name be there; he that ſaid he would not do his Maſters will, and yet did it, did it more than he that ſaid he would, and yet did it not: he that hath all the Powers and Authorities of a King, is a King, though he have not the Name. Either there muſt be a diverſity and for any thing that may difference it by the name it ſelf: truly Sir, either this muſt be done, you muſt enumerate all the powers of *Protector*, or what is left enumerated muſt be the ſame thing as the Law ſays is the duty of a King, and this I think the Judges have determined, this being the clear ſtate of the queſtion, the difference will ariſe meerly upon a name, and the Parliament did not think it agreeable to their wiſdome for them to look upon all the Laws and all the Caſes, and make the name of *Protector* to ſuit them, or elſe leave it lawleſs and boundleſs, but what was not confined to the power of a King, was confined to the deciſion of the Law. That being ſo, the Parliament thinks it is fit for them to do as all wiſe men do, in making names, they give out names according to the nature of the thing, and either they muſt fit all the Laws to the name, and that is impoſſible, or leave the name

name unbounded, and that's intolerable. All creatures were brought to *Adam* to give them names, he gave them according to their Natures. And so the Parliament considers what the thing is that they were about to advise your Lordship to; the Parliament finde this to be the same Government as was before, and if they would have that, why not their old Name? If the thing, why not the Title? Truely, it seems very reasonable, that names should be proportioned to the thing; they have found divers Reasons why the name should be *King*, because it is a thing clear to all the world, that the people are more willingly obedient to old Things and Names than to new; and so far as old things can be retained without danger or inconvenience, it is the Wisdome and Duty of all Governours to retain them. I remember in the Stories of our Wars with the *French*, *Edw.* 3. had assistance from *Flanders*. One thing more of the name of the *Protector* be considered within my relation to the Laws of this Land: Every one knows it does not relate to him that hath the chief Magistracy, but as he was Tutor or Guardian to another, that's all the Legal Notion or use of the name *Protector* in this Land; and the holding this name, doth hold forth a gap of apprehension and expectation, that there may be a change; these are in substance that which I can remember of the Debates of the Parliament.

Lord Com. Lisle.

I Humbly conceive, that in this Title offered to your Highness by the Parliament, they do take the same care for your Highness as *Jethro* took for *Moses*, they finde the weight of the Government, as it is now upon you, under the title *Protector*, is a burthen, that will weary both your self and the people likewise; and therefore they do desire your Highness will be pleased to accept of that Title; that may be an ease to your Highness

and to the people, the greateſt weight and burthen of government, is when there is a jealouſie between the Prince and the people for want of a right underſtanding; though neither Parliament nor people have a jealouſie of your perſon, yet of the Title they have, for want of a right underſtanding. But if your Highneſs will be pleaſed to accept of the Title that is now offered, all jealouſies will be done away, for they will then underſtand what you are, and truly Sir I think the jealouſie will be higher now, then at firſt when the remonſtrance was offered to you: For the Title of *Protector* is either the ſame thing in power with the Title of *King*, or it is ſomething elſe. If it be ſomething elſe, then what the Title of *King* is when it is confined, and that will raiſe their jealouſie very much. If it be the ſame thing, then there is nothing of difference, but a name, and they will think there is more than a name, if the Parliament do offer it to your Highneſs, and your Highneſs ſhould wave it.

Sir, the Parliament did think that your Highneſs was never able to provide to do juſtice to the Nation for the preſent, nor that peace ſhould be maintained in the Nation for the future, unleſs your Highneſs accept of this *Title*. National Juſtice does conſiſt in two things, that you do right to the people with relation to their juſt rights in relation to the Parliament, That you do right to the people in relation to their juſt rights according to the Law of the Land. Sir, the Nations rights in Parliament can never be done to the people, unleſs the Parliament hath its ancient right in relation to the Government: and they can never have their right in relation to the Law, unleſs the Laws have their ancient right in relation to the Governours. Sir, the reaſon why the Parliament doth now offer it, as I conceive is this, Sir, they did conſider the caſe of *David*, it was the proper Title to offer the Title to *King David*, when the Elders of

Iſrael

Iſrael and the people did Covenant with *King David* at *Hebron*. The Remonſtrance offered to your Highneſs is the Covenant of the Three Nations, both for Spiritual and Civil Liberties. If there was a proper time to make *David King*, when they Covenanted with him at *Hebron*, it is now a proper time for you to accept this Title, when the Parliament hath brought this with a Covenant for the Three Nations, that relates both to their civil and Spiritual Liberties.

Lord Broghill.

SIR, I can add ſo little to what hath been already ſpoken, that were it not in obedience to command, I ſhould with much more ſatisfaction be ſilent then now ſpeak: but being under an obligation, I may not violate, I ſhall in obedience thereof, preſume to lay my poor thoughts before you; but firſt I ſhall take the boldneſs to ſay, I believe it is a thing impoſſible for any to particularize every individual reaſon, which invites a Parliament to paſs any Vote; for the Parliament is a body conſiſting of many Members, and all of them reliſh thoſe arguments and reaſonings, which are moſt conſonant to every mans apprehenſion, in which there is ſo great variety, that though when a Vote is paſt, we may conclude that Vote is the ſenſe of the Houſe, yet we cannot ſay, that theſe, and none but theſe reaſons produced that reſult: I onely mention this Sir, that whatever I ſhall ſpeak may be conſidered by you, but as my poor apprehenſion; what in ſome degree might have contributed to move the Parliament to petition, and adviſe your Highneſs to aſſume the Title and Office of *King*: for it would be too high a preſumption in any Member, eſpecially in me above any, to dare aver that what I ſhould now ſay, did only invite the Parliament to give your High-

Highneſs that Counſel, having thus humbly premiſed what I held my ſelf obliged unto in duty, I ſhall now proceed to acquaint you what in my weak judgment did in ſome meaſure move the Parliament to do what they have done.

Firſt, I humbly conceive, that the Title of *King* is that which the Law takes notice of, as the Title of Supream Magiſtrate, and no other, and that the old foundations that are good, are better than any new ones, though equally good in their own nature; what is confirmed by time and experience, carries along with it the beſt Trial, and the moſt ſatisfactory ſtamp and authority.

Secondly, It was conſidered too, that it was much better that the Supreme Magiſtrate ſhould be fitted to the Laws that are in being, than that thoſe Laws ſhould be fitted unto him.

Thirdly, The people legally aſſembled in Parliament having conſidered of what Title was beſt for the ſupreme Magiſtrate, did after a ſolemn debate thereof pitch upon that of *King*, it being that by which the people knew their duty to him, and he the duty of his Office towards them, and both by old and known Laws.

Fourthly, There is hardly any who own Government at all in theſe Nations, but think themſelves obliged to obey the old Laws, or thoſe which your Highneſs and the Parliament ſhall enact. So that if the Supream Magiſtrate of theſe Three Nations be intituled *King*, all thoſe who reverence the old Laws, will obediently and chearfully accept of him, as that which is ſetled upon the eſtabliſhment they own; and all that own this preſent authority will do the like, becauſe grafted by it, by which none can reſt unſatisfied that think it a duty to obey former Authorities or the preſent.

Fifthly, The former Authorities know no Supream Magiſtrate, but by the Title of *King*, and this preſent Authority de-

desires to know him by no other; which if refused, might it not too much heighten our enemies, who may bouliter up their faint hopes, with saying to one another, and to those which assist them, that their chief is not onely under that Title which all past Parliaments have approved, but under that Title which even this Parliament does approve likewise; and that your head is not known by the former Laws, and has refused to be known by that application which even the Parliament, that he himself hath called, doth desire to know him by?

Sixthly, By your Highness bearing the Title of *King*, all those that obey and serve you, are secured by a Law made long before any of our differences had a being, in the 11th *Hen.* 7. where a full provision is made for the safety of those that shall serve who ever is *King*: 'tis by that Law that hitherto our enemies have pleaded indemnity, and by your assuming what is now desired, that Law which hitherto they pretended for their disobedience, tyes them even by their own profession and principles to obedience: and I hope taking off all pretences from so numerous a party, may not be a thing unworthy consideration; That the Law seems very rational, for it doth not provide for any particular family or person, but for the peace and safety of the people by obeying whoever is in that Office, and bears that Title. The end of all Government is to give the people justice, and safety, and the best means to obtain that end, is to settle a Supream Magistrate; it would therefore seem very irrational, that the people having obtained the end, should decline that end onely to follow the means, which is but conducing to that end; so that if the Title and Office of *King* be vested in your Highness, and that thereby the people enjoy their rights and peace, it would be little less than madness, for any of them to cast off those blessings, onely in order to obtain the same end under another person.

Seventh-

Seventhly, there is at preſent but a divorce between the pretending *King* and Imperial Crown of theſe Nations, and we know that perſons divorc'd may marry again; but if the perſon be married to another, it cuts off all hope. Theſe may be ſome of thoſe reaſons, which invited the Parliament to make that deſire, and give that advice to your Highneſs of aſſuming the Title of *King*. There is another, and a very ſtrong one, which is, that now they have actually given you that advice; and the advices of the Parliaments, are things which always ought, and therefore I am confident will carry with them very great force and Authority: nor doth this advice come ſingly, but accompanied with many other excellent things, in reference to our civil and ſpiritual Liberties, which your Highneſs hath born a juſt and ſignal teſtimony to. It is alſo a Parliament, who have given unqueſtionable proofs of their affection to your Highneſs, and who if liſtned to in this particular, will be thereby encouraged to give you more.

Lord Protector.

I Have very little to ſay to you at this time, I confeſs I ſhall never be willing to deny, or defer thoſe things that come from the Parliament to the Supream Magiſtrate, if they come in the bare and naked Authority of ſuch an Aſſembly as known by that name, and are really the repreſentation of ſo many people, as a Parliament of *England*, *Scotland*, and *Ireland* is: I ſay it ought to have its weight, and it hath ſo, and ever will have with me. In all things a man is free in to anſwer deſires, as coming from Parliaments: I may ſay that, but in as much as the Parliament hath been pleaſed to condeſcend to me ſo far, to do me this honour, a very great one added to the reſt, to give me the advantage of ſo many members of theirs, ſo able, ſo underſtanding the grounds of things; It is I ſay, a very ſingular honour and favour to

me

to me; and I confeſs, I wiſh I may, and I hope I ſhall do that becomes an honeſt man to do, in giving an anſwer to theſe things, according to the deſire, that either I have, or God ſhall give me, or I may be helped by reaſoning with you into; and I did not indeed in vain alledge Conſcience to the firſt anſwer I gave, but I muſt ſay, I muſt be a very unworthy perſon, to receive ſuch favour, if I ſhould prevaricate, when I ſaid things did ſtick upon my Conſcience, which I muſt ſtill ſay they do; onely I muſt ſay, I am in the beſt way that I can be for information, I ſhall gladly receive it. Here hath been divers things ſpoken by you to day, with a great deal of judgment and ability, and knowledge; and I think the things, or the arguments, or reaſonings that have been uſed, have been upon theſe three accompts: to ſpeak to the thing ſimply, or in the abſtract notion of the Title, and the poſitive reaſons upon which it ſtands, and then comparatively, both in the thing, and in the foundation of it, which, what it is to ſhew the goodneſs of it comparatively. It is alledged to be ſo much better than what is, and that is ſo much ſhort of doing the work that this will do: and thirdly, ſome things have been ſaid by way of precaution, upon Arguments that are little from the thing, in the nature of it, but are conſiderations from the Temper of the people of the Nation, what will gratifie them, which is ſurely conſiderable, as alſo by way of anticipation of me, in my anſwer, by ſpeaking to ſome objections that others have made againſt this thing: Theſe are things in themſelves each of them conſiderable, to anſwer to objections; I know it is a very weighty thing, and to make objections is very eaſie, and that will fall to my part, and I am ſure I ſhall if I make them to men that know ſo well how to anſwer them, becauſe they have in part received them from others, upon the debates already had; but

upon

upon the whole matter, I having as well as I could taken theſe things that have been ſpoken, which truely are to be acknowledged by me to be very learnedly ſpoken, I hope therefore you will give me a little time to conſider of them, when it may be your beſt time for me to return to you, to meet you again, I ſhall leave that to your conſideration.

Lord Whitlock.

Your Highneſs will be pleaſed to appoint your own time.

Lord Protector.

On Munday at Nine of the clock, I will be ready to wait upon you.

His Highneſs Anſwer at the Conference at the Committee at Whitehal, April 13. 1657.

My Lord,

I Think I have a very hard task upon my head, though it be but to give an account of my ſelf, yet I ſee I am beſet on all hands here: I ſay but to give an account of my ſelf, but it is in a buſineſs that is very comprehenſive of others in ſome ſence to us, and, as the Parliament have been pleaſed to make it, all the intereſts of theſe three Nations.

I confeſs, I conſider two things: firſt to return ſome very anſwer to the things that were ſo ably and well ſaid the other day, on behalf of the Parliaments putting that *Title* in the Inſtrument of ſettlement. I hope it will not be expected that I ſhould anſwer to every thing that was then ſaid; becauſe I ſuppoſe the main things that were ſpoken, were arguments from antient Conſtitutions, and ſettlement by the Laws, of which I am ſure I could never be well skill'd, and therefore muſt ask the more pardon in what I have tranſgreſſed in my practice, or ſhall now tranſgreſs through my ignorance of them in my anſwer to you. Your

Your Arguments which I ſay were chiefly upon the Law, ſeems to carry with them a great deal of neceſſary concluſion, to inforce that one thing of *Kingſhip*; and if your argument come upon me to inforce upon the ground of neceſſity, why then I have no room to anſwer for what muſt be, muſt be, and therefore I did reckon it much of my buſineſs to conſider whether there were ſuch a neceſſity, or would ariſe ſuch a neceſſity from thoſe arguments.

It was ſaid, that *Kingſhip* is not a Title but an Office, ſo interwoven with the Fundamental Laws of this Nation, as if they could not, or well could not be executed and exerciſed without, partly (if I may ſay ſo) upon a ſuppoſed ignorance of the Law that it hath of any other Title, it knows no other, neither doth any other know it, the reciprocation is ſaid this *Title*, or *Name*, or *Office*, as you pleaſe to ſay, is underſtood in the dimenſions of it, in the power and prerogatives of it, which are by the Law made certain, and the Law can tell when it keeps within compaſs, and when it exceeds its limits, and the Law knowing this, the people can know it alſo, and people do love what they know, and it will neither be *pro ſalute populi*, nor for our ſafety to obtrude upon them names that they do not, nor cannot underſtand.

It is ſaid alſo, that the people have been always by their Repreſentatives in Parliament, willing to vary names for as much as hath been ſaid before they love ſettlement. And there were two good inſtances given of that, the one in King *James* his time, about his deſire to alter ſomewhat of the Title, and another in the long Parliament, wherein they being otherwiſe rationally moved to admit of the word Repreſentative inſtead of Parliament, they refuſed it for the ſame reaſon. It hath been ſaid alſo, that the holding to this word doth ſtrengthen the ſettle-

ſettlement, becauſe it doth not any thing *de novo*, but reſolves things in their old currant: It is ſaid, it is the ſecurity of the chief Magiſtrate, and that it ſecures all that act under him; truly theſe are the principles of thoſe grounds that were offered the laſt day, ſo far as I do recollect. I cannot take upon me to refel thoſe grounds, for they are ſo ſtrong and rational, but if I ſhall be able to make any anſwer to them, I muſt not grant that they are neceſſarily concluding, but take them only as arguments, that they have perhaps much of conveniency, and probability towards concluding; for if a remedy or expedient may be found that they are not neceſſary, they are not inevitable grounds, and if not neceſſary, and concluding, why then they will hang upon the reaſon of expediency, or conveniency; and if ſo, I ſhall have a little liberty, otherwiſe I am concluded before I ſpeak, and therefore it will behoove me to ſay what I have, why they are not neceſſary concluſions, not that they are, nor that it is (I ſhould ſay) ſo interwoven in the Laws, but that the Laws may not poſſibly be executed to equal juſtice and equal ſatisfaction of the people, and equally to anſwer all objections as well without it, as with it; and then when I have done that, I ſhall onely take the liberty to ſay a word or two for my own grounds, and when I have ſaid what I can ſay as to that, I hope you will think a great deal more then I ſay.

Truly though *Kingſhip* be not a Title but a name of Office that runs through the Law, yet it is not ſo *ratione nominis*, but from what is ſignified, it is a name of Office plainly implying a Supream Authority, is it more, or can it be ſtretcht to more? I ſay it is a name of Office plainly implying the Supream Authority; and if it be ſo, why then I would ſuppoſe, (I am not peremptory in any thing that is matter of deduction or inference

ference of my own.) Why then I ſhould ſuppoſe that whatſoever name hath been or ſhall be the name, in which the Supream Authority ſhall act, why, (I ſay) if it had been thoſe, four or five Letters; or whatſoever, or whatſoever elſe it had been, that ſignification goes to the thing, certainly it does, and not to the name, why then there can be no more ſaid, but this, why this hath been fixt, ſo it may have been unfixt, and certainly in the right of the Authority, I mean as a legiſlative power, in the right of the legiſlative power. I think the Authority that could Chriſten it with ſuch a name, could have called it by another name, and therefore it was but derived from *that*. And certainly they had the diſpoſal of it, and might have had it, they might have detracted, or changed; and I hope it will be no offence to you, to ſay (as the caſe now ſtands) ſo may you; and if it be ſo that you may, why then I ſay, there is nothing of neceſſity in your Argument, but conſideration of expedience of it, I had rather (if I were to chuſe) if it were the natural queſtion, which I hope is altogether out of the queſtion. But I had rather have any name from this Parliament than any name without it, ſo much do I value the Authority of the Parliament, and I believe all men are of my mind, in that I believe the Nation is very much of my mind, though that be an uncertain way of arguing what mind they are of. I think we may ſay it without offence, (for I would give none) though the Parliament be the trueſt way to know what the mind of the Nation is, yet if the Parliament will be pleaſed to give me a liberty to reaſon for my ſelf, and that that be made one Argument, I hope I may urge againſt that, elſe I can freely give a reaſon of my own mind, but I ſay undoubtingly (let us think what we will) what the Parliament ſettles in that which will run through the Law, and will lead the thread of Government through

the Land, as well as what hath been, conſidering that what hath been upon the ſame account, ſave that there hath been ſome long continuance of the thing, it is but upon the ſame account, it had its original ſomewhere, and it was in conſent of the whole, there was the original of it; and conſent of the whole, will I ſay be the needle that will lead the thread through all, and I think no man will pretend right againſt it, or wrong: and (if ſo) then under favour to me, I think all thoſe arguments from the Law are (as I ſaid before) not neceſſary, but are to be underſtood upon the account of conveniency, it is in your power to diſpoſe and ſettle, and before we can have confidence that what you do ſettle, will be as authentick as thoſe things that were before, (eſpecially as to the individual thing) the name or Title upon Parliamentary account, upon Parliamentary, why then I ſay there will be way made (with leave) for me to offer a reaſon or two, to all that hath elſe been ſaid, otherwiſe I ſay my mouth is ſtopt: there are very many inforcements to carry on this thing, I ſuppoſe it will ſtand upon a way of expedience and fitneſs, truly I ſhould have urged one conſideration more that I had forgotten, and that is, not onely to urge the things for reaſon, but for experience, perhaps it is a ſhort one, but it is a true one, (under favour) and is known to you all in the fact of it (under favour) although there hath been no Parliamentary declarations, that the Supream Authority going in another name, and under another Title, than *King*; why it hath been complyed with twice without it. That is, under the *Cuſtodes Libertatis Angliæ*, it hath ſince I exerciſed the place, and truly I may ſay that almoſt univerſal obedience hath been given to all the ranks and ſorts of men to both, and to begin with the higheſt degree of Magiſtracy at the firſt alteration, and when that was the name, and though it

was

was the name of an inviſible thing, yet the very name (though a new name) was obeyed, did paſs for currant, and was received, and did carry on the juſtice of the Nation. I remember very well that my Lords the Judges were ſomewhat ſtartled, and yet upon conſideration (if I miſtake not) I believe ſo, there being of them without reflection, as able and as learned as have ſat there (though they did I confeſs at firſt demur a little) yet they did receive ſatisfaction, and did act as I ſaid before. I profeſs it, for my own part, I think I may ſay it, ſince the beginning of that change, I would be loath to ſpeak any thing vainly, but ſince the beginning of that change unto this day, I do not think in ſo many years thoſe that were called, (and worthily ſo accounted) *Halcyon* days of peace in 20 *Eliz.* and King *James*, and King *Charles* time: I do not think, but that the Laws did proceed with as much freedom and juſtice, with leſs private ſollicitation either from that that was called then ſo, or ſince I came to the Government; I do not think (under favour) that the Laws have had a more free exerciſe, more uninterrupted by any hand of power, the Judge leſs ſolicited by Letters or private interpoſitions either of my own or other mens, in double ſo many years in all thoſe times of peace: and if more of my Lords the Judges were here than now are, they could tell what to ſay to what had been done ſince, and therefore I ſay (under favour) theſe two experiences do manifeſtly ſhew, that it is not a *Title*, though ſo interwoven with the Laws, that makes the Law to have its free paſſage and do its office without interruption, (as we think) but that if a Parliament ſhall determine that another Name ſhall run through the Laws, I believe it may run with as free a paſſage as this: which is all that I have to ſay upon that head.

And if this be ſo, then truly other things may fall

under a more indifferent conſideration, and then I ſhall arrive at ſome iſſue to anſwer for my ſelf in this great matter, and all this while nothing that I ſhall ſay doth any way determine againſt my reſolution, or thoughts againſt the Parliament, but really and honeſtly, and plainly, conſidering what is fit for me to anſwer. The Parliament deſires to have this Title, it hath ſtuck with me and yet doth ſtick, and truly although I hinted the other day, that it is thought that your arguments to me did partly give poſitive grounds for what was to be done, and comparative grounds, ſaying that which you were pleaſed to do, and I gave no cauſe for that I know of, that is to compare the effects of *Kingſhip* with ſuch a name as I for the preſent bear with *Protectorſhip*, I ſay I hope it will not be underſtood, that I do contend for the name or any name or any thing, but truly and plainly (if I ſpeak as in the Lords preſence) I in all things right as a perſon under the diſpoſition of the providence of God, neither naming one thing nor other, but only anſwering to this *Name* or *Title*; for I hope I do not deſire to give a rule to any body, becauſe I have profeſſed I have not been able, and I have ſaid truly I have not been able to give one to my ſelf, but I would be underſtood in this, I am a man ſtanding in the place I am in, which place I undertook not ſo much out of the hope of doing any good, as out of a deſire to prevent miſchief and evil which I did ſee was eminent in the Nation. I ſay we were running headlong into confuſion and diſorder, and would neceſſarily run into blood, and I was paſſive to thoſe that deſired me to undertake the place which now I have, I ſay not ſo much of doing good, which a man may lawfully, if he deal deliberately with God and his own Conſcience, a man may, I ſay, lawfully if he deal deliberately

rately with God and his own Conſcience, a man may lawfully, as the caſe may be (though the caſe is very tickle) deſire a great place to do good in. I profeſs I had not that apprehenſion when I undertook the place that I could do much good, but I did think that I might prevent eminent evil, and therefore I am not contending for one name compared with another, and therefore have nothing to anſwer to any arguments, that were uſed in giving preference to *Kingſhip* or *Protectorſhip*, for I ſhould almoſt think that any name were better than my name, and I ſhould altogether think, any perſon fitter than I am, for any ſuch buſineſs: and I complement not (God knows it) but this I ſhould ſay, that I do think from my very heat, that in your ſetling of the peace and liberties of this Nation, which cries as loud upon you as ever Nation did; for ſomewhat that may beget a confidance: otherwiſe the Nation will fall to pieces, and in that as far as I can, I am ready to ſerve not as a King, but as Conſtable, for truely I have, as before God, thought it often, that I could not tell what my buſineſs was, nor what I was in the place I ſtood, ſave comparing it with a good Conſtable, to keep the peace of the Pariſh, and truly this hath been my content and ſatisfaction in the troubles that I have undergone, that yet you have peace, why now truly (if I may adviſe) I wiſh to God you may but be ſo happy as to keep peace ſtill if you cannot attain to theſe perfections, as to do this, I wiſh to God we may have peace, (that do I) but the fruits of Righteouſneſs are ſhown in meekneſs, (a better thing than we are aware of) I ſay therefore I do judge for my ſelf, there is no ſuch neceſſity of the thing, for the other names may do as well, I judge for my ſelf, I muſt ſay a little, I think I have ſomewhat of Conſcience to anſwer as to this matter, why I cannot undertake this *Name*, why

truly I muſt needs go a little out of the way to come to my reaſons, and you will be able to judge of them, when I have told you them; and I ſhall deal ſeriouſly, as before God; if you do not all of you, I am ſure ſome of you do, and it behoves me to ſay, I know my calling from the firſt to this day: I was a perſon that from my firſt employment was ſuddenly preferred and lifted up from leſſer truſts to greater, from my firſt being a Captain of a Troop of Horſe, and I did labour (as well as I could) to diſcharge my Truſt, and God bleſſed me as it pleaſed him, and I did truly and plainly, and then in a way of fooliſh ſimplicity (as it was judged by very great and wiſe men, and good men too) deſired to make of my inſtruments to help me in this work; and I will deal plainly with you, I had a very worthy friend then, and he was a very noble perſon, and I know his memory was very grateful to all.

Mr. *John Hamden* at my firſt going out into this Engagement (I ſaw) their men were beaten at every hand; I did indeed, and deſired him that he would make ſome additions to my Lord *Eſſex*'s Army, of ſome new Regiments, and I told him I would be ſerviceable to him, in bringing ſuch men in, as I thought had a ſpirit that would do ſomething in the work: this is very true that I tell you, God knows I lye not; your Troops, ſaid I, are moſt of them old decayed Servingmen and Tapſters, and ſuch kind of Fellows; and ſaid I, their Troops are Gentlemens Sons, younger Sons, and perſons of Quality; do you think that the ſpirits of ſuch baſe and mean Fellows will be ever able to encounter Gentlemen, that have Honour, and Courage, and Reſolution in them? Truly, I preſented him in this manner conſcientiouſly, and truly I did tell him, you muſt get men of a ſpirit: and take it not ill what I ſay (I know you will not) of a ſpirit that is like-

likely to go on as far as Gentlemen will go, or elſe I am ſure you will be beaten ſtill: I told him ſo, I did truly. He was a wiſe and worthy perſon, and he did think that I talked a good notion, but an impracticable one; truly I told him I could do ſomewhat in it, I did ſo, and truly I muſt needs ſay that to you (impart it to what you pleaſe) I raiſed ſuch men as had the fear of God before them, and made ſome Conſcience of what they did, and from that day forward I muſt ſay to you, they were never beaten, and wherever they were engaged againſt the Enemy they beat continually; and truely this is matter of praiſe to God, and it hath ſome inſtruction in it to own men that are religious and godly, and ſo many of them as are peaceably, and honeſtly and quietly diſpoſed to live within Government, as will be ſubject to thoſe Goſpel Rules of obeying Magiſtrates, and living under Authority; I reckon no godlineſs without this Circle: but without this ſpirit, let it pretend what it will, it is diabolical, it is deviliſh, it is from diabolical ſpirits, from the height of *Fothams* wickedneſs; why truely I need not ſay more than to apply it thus.

I will be bold to apply this to this purpoſe, becauſe it is my all, I could ſay as all the world ſays, and run headily upon any thing; I muſt tender this to you, as a thing that ſways with my Conſcience, or elſe I were a *Knave* and a *Deceiver*. I tell you there are ſuch men in this Nation, that godly men of the ſame ſpirit, men that will not be beaten down with a worldly nor carnal ſpirit, while they keep their integrity: I deal plainly and faithfully with you, that I cannot think that God would bleſs in undertaking of any thing that will juſtly and with cauſe grieve them, that they will be troubled without cauſe; I muſt be a *Slave* if I ſhould comply with any ſuch humour, I ſay that are honeſt

men, and faithful men, and true to the great things of the Government, to wit, the Liberty of the people, giving them that is due to them, and protecting this Intereſt, I think verily God will bleſs you for it: but if that I know (as indeed I do) that very generally good men do not ſwallow this Title, (though really it is no part of their goodneſs) to be unwilling to ſubmit to what a Parliament ſhall ſettle over them; yet I muſt ſay, that it is my duty and my Conſcience to beg of you, that there may be no hard things put upon me; things I mean hard to them, that they cannot ſwallow: If the Nation may as well be provided for without theſe things that I have Printed to you, as according to my apprehenſion, it may, I think truly it will be no ſin in you, it will be to you as it was to *David* in another caſe; no grief of heart to yours, that you have a tenderneſs, even poſſibly, if it be their weakneſs, to the weakneſs of thoſe that have integrity and honeſty, and uprightneſs, and are not carried away with the hurries that I ſee ſome are, who think that their vertue lies in deſpiſing Authority, oppoſing it: I think you will be the better able to root out of this Nation that ſpirit and principle; and it is as deſirable as any thing in this world, by complying, indulging, and being patient to the weakneſs and infirmities of men that have been faithful, and have bled all along in this Cauſe, and are faithful, and will oppoſe all oppoſitions; I am confident of it, to the things that are the fundamentals in your Government, in your ſettlement, for civil and Goſpel Liberties.

I confeſs, for it behoves me to deal plainly with you, I muſt confeſs, I would ſay, I hope I may be underſtood in this, for indeed I muſt be tender, what I ſay to ſuch an audience as this is, I ſay I would be underſtood, that in this Argument I do not make Paralel, between men of a different mind and a Parliament which ſhall have

their

their deſires; I know there is no compariſon, nor can it be urged upon me, that my words have the leaſt colour that way, becauſe the Parliament ſeems to give liberty to me to ſay any thing to you; as that, that is a tender of my humble reaſons and judgment, and opinion to them; and if I think they are ſuch, and will be ſuch to them, and are faithful ſervants, and will be ſo to the Supream Authority, and the Legiſlative whereſoever it is: if I ſay, I ſhould not tell you, knowing their minds to be ſo, I ſhould not be faithful, if I ſhould not tell you ſo, to the end you may report it to the Parliament: I will ſay ſomething for my ſelf, for my own mind, I do profeſs it, I am not a man ſcrupulous about words, or names, or ſuch things I have not; but as I have the word of God, and I hope I ſhall ever have, for the rule of my Conſcience, for my informations: ſo truely, men that have been led in dark paths, through the providence and diſpenſation of God; why, ſurely it is not to be objected to a man, for who can love to walk in the dark, but providence doth often ſo diſpoſe. And though a man may impute his own folly and blindneſs to providence ſinfully, yet it muſt be at my peril: the caſe may be, that it is the providence of God that doth lead men in darkneſs; I muſt needs ſay, I have had a great deal of experience of Providence, and though it is no rule without or againſt the word, yet it is a very good expoſitor of the word in many caſes. Truely the Providence of God hath laid aſide this *Title* providentially *de facto*, and this not by ſuddain humour or paſſion, but it hath been by iſſue of as great deliberation as ever was in a Nation, it hath been the iſſue of ten or twelve years Civil War, wherein much blood hath been ſhed; I will not diſpute the juſtice of it, when it was done, nor need I now tell you what my opinion is in the caſe, were it *de novo* to be done, but if it be at all diſputable, and that a man comes and finds that God

in

in his ſeverity hath not onely irradicated a whole family, and thruſt them out of the Land for reaſons beſt known to himſelf, and hath made the iſſue and cloſe of that, to be the very irradication of a *Name* or *Title*, which *de facto* is, it was not done by me nor by them that tendred me the Government that now I act in, it was done by the Long Parliament, that was it, and God hath ſeemed providential, not onely to ſtrike at the Family, but at the *Names*, and as I ſaid before *de facto* it is blotted out, it is a thing caſt out by an Act of Parliament, 'tis a thing that hath been kept out to this day, and (as *Jude* ſaith in another caſe) ſpeaking of abominable ſins that ſhould be in the latter times, he doth likewiſe when he comes to exhort the Saints, he tells them they ſhould hate even the garments ſpotted with the fleſh. I beſeech you think not, that I bring this as an argument to prove any thing, God hath ſeemed ſo to deal with the perſons, and with the Family, but he blaſted the Title, and you know when a man comes (*à parte poſt*) to reflect, and ſee this is done, and laid in the duſt, I can make no concluſion but this, they may have ſtrong impreſſion upon ſuch weak men as I am, and perhaps, (if there be any ſuch) upon weaker men it will be ſtronger: I will not ſeek to ſet up that which Providence hath deſtroyed, and laid in the duſt, and I would not build *Jericho* again, and this is ſomewhat to me, and to my Judgment and Conſcience, that it is true, it is that that hath an awe upon my ſpirit, and I muſt confeſs as the times are, they are very fickle, very uncertain, nay, (God knows) you had need have a great deal of faith, to ſtrenghten you in your work, and all aſſiſtance, you had need to look at Settlement, I would rather I were in my grave, than hinder you in any thing, that may be for Settlement for the Nation, for the Nation needs, and never needed it more, and therefore out of the love and honour I bear you, I am for ever bound

bound to do, whatever becomes of me, I am ever bound to acknowledge you have dealt moſt honourably and worthily with me, and lovingly, and had reſpect for one that deſerves nothing: indeed out of the love and faithfulneſs I bear you, and out of the ſence I have of the difficulty of your works, I would not have you loſe any help that may ſerve you, that may ſtand in ſtead to you, but would be a ſacrifice that there might be (ſo long as God ſhall pleaſe to let this Parliament ſit) a harmony, and better, and good underſtanding between all of you, and (whatſoever any man thinks) it equally concerns one man as another to go on to ſettlement; and where I meet with any that is of another mind, indeed I could almoſt curſe him in my heart, and therefore to the end I may deal heartily and freely, I would have you loſe nothing that may ſtand you inſtead in this way. I would adviſe you, that if there be any of a froward and unmannerly, or womaniſh ſpirit, I would not have you loſe them, I would not that you ſhould loſe any ſervant or friend, that may help in this work, that they ſhould be offended by that; that ſignifies no more to me than as I told you, that is, I do not think the thing neceſſary, I do not, I would not that you ſhould looſe a friend for it, if I ſhould help you to many, and multiply my ſelf into many, I would be to ſerve you in ſettlement, and therefore would not that any, eſpecially any of theſe, that indeed perhaps are men that do think themſelves engaged to continue to you, and to ſerve you, ſhould be any ways diſobliged from you.

The truth is, I did make that my concluſion to you at the firſt, when I told you what method I would ſpeak to you in, I may ſay, that I cannot with conveniency

to

to my ſelf, nor good to this ſervice, that I wiſh ſo well to, ſpeak out all my arguments in order to ſafety, and in order in tendency to an effectuall carrying on of this work, I ſay I do not think it fit to uſe all the thoughts I have in my mind, as to that point of ſafety, but I ſhall pray to God Almighty that he would direct you to do what is according to his Will, and this is that poor account I am able to give of my ſelf in this thing.

16. April, *Lord Chief-Juſtice* Glynne.

The Name and Office eſſential to Settlement.

Firſt, Becauſe it is known to the Law, his Duty known in reference to the people, and the peoples Duty known in reference to him, this cannot be tranſmitted to another name, without much labour, great hazard, if it may at all. To go by individuals, and reckon up all the Duties and Powers that a *King* by our Laws hath in reference to his Truſt towards the people, and the Duty of the people towards him, is a work of ſo great labour, that it would require months, yea years, if not ages.

Secondly, To apply its relative, *talis qualis* would introduce theſe difficulties. Firſt it would be a new thing, how it would prove is but gueſt, and its the Foundation-ſtone, its unſafe to put it to a hazard, when you have a ſafe one. Secondly, Thoſe Certaintics and Securities that accompany that Title are incident by the ancient Laws and Cuſtoms of the Nations; and that which the other Office can have, are introductive, and given him *de novo* from this Parliament, as their ancient inheritance, that can claim but by a new title of purchaſe.

Thirdly, The People and your Highneſs looſe the beſt Title, both to their Liberty and your Rights, which is the *Law*, *antient Cuſtome*, and *Uſage*, and claim it only but

but upon the ſtrength of the Parliament; but if you take it as a King, you have the ſtrength of both.

Fourthly, If you aſſume any other name, and have the rights given you by Parliament, it may ſeem as if the people had loſt their ancient rights, and had need of new ones to be created by this Parliament.

Fifthly, The aſſumption of the Title of King, is without need of any other Authority to protect the people, and bind the people to obey you.

Sixthly, If you ſhould take the name of *Protector*, or any other new Title, whatſoever Authority is applyed thereto, is but grafting upon a ſtock that is new, and doubtful whether it will bear the fruits well, and ſtill liable to former objections without doors.

Seventhly, If you take the Title of *King*, the worſt affected cannot object againſt Authority, or at all againſt the Parliament, as the Donor.

16 April, *Maſter of the Rolls.*

IT is certain that all Governments in themſelves may be good, for none as *male in ſe*, but the rule that hath always been obſerved, that the moſt neceſſary and prudent courſe to govern a Nation, muſt be taken from that proportion which is moſt ſuitable to the nature and diſpoſition of the people that are governed, if this be the general rule always in the world, we may well draw this argument: both from an abſolute neceſſity, and *ex neceſſitate conſequentis* alſo. The chief Governour in a ſetled Government, being obliged to do for the good of his people, not onely *quoad bonum ſed quoad optimum*, then the conſideration that will follow properly here will be, whether the name King, which in the judgment of the Law, implies the Office, be not the beſt Government for the peoples ſafety, but *ex neceſſitate*

ceſſitate cauſa, & *neceſſitate conſequentis*, to explain this, it muſt be premiſed that when we ſpeak of *King*, we muſt take the difference between the perſon dignified with the *Name*, and the *Name* it ſelf; for this muſt be taken for a ſure ground, the word *King* is a Name, as it is a word which the Law doth look upon, ſo it hath its proper *Baſis* and foundation upon the Law, and is as ancient as the Law is; now, the Perſon of the *King* is a name that hath its dignity and foundation from the word *King*, as *ex neceſſitate conſequentis*, becauſe in reaſon a man muſt be uſed to exerciſe that Authority which proceeds from that name. Theſe things being very clear, by the fundamental grounds of the Law, if then we examine the foundation of things, according to the rules of the Law, it is manifeſt that the name *King*, the *Laws*, *Rights*, *Property* and *Liberties* of the people, and alſo *Parliaments* themſelves, have but one foundation, and have the original preſcription, and ancient cuſtomes, that is, cuſtomes time out of mind, ſo that in judgment of Law the Three, the *King*, the *Law*, and the *Parliament*, are the Parties of the Government of this Nation, which having the *Baſis* and foundation from preſcription, creates this form of Government in this Nation, which is not a form in the vulgar acceptation of the word *(Form)* but it is the form of Government ſetled in this Nation, that is of the eſſential part, and hereby the Law *forma dat eſſe*. Then to me it is an impoſſible thing that any Act of Parliament, even without a deſtruction to the eſſential part of the Government, can place that *Office* in another name (be what it will) which naturally wants the foundation and ground of that power and Office which that name hath.

Firſt, Becauſe the alteration deſtroyes the foundation,

tion, which is Preſcription, and annexes to it a name that the Law of the Land hath no acquaintance with.

Secondly, It ſets all Laws, Liberties, and what is dear to us upon a new Foundation, as to the People; for whatſoever is created by an Act, cannot have Life and Authority but from that Act, and ſhall never look back to its firſt Original Conſtitution; and it takes from the People the Rules and Grounds which they have known by Experience, and ſends them to ſeek them in a Power, which no Wit of Man can ſuddenly apprehend the bounds and limits, when ſo many Doubts may ariſe, even in the old Foundation, which Experience and Time hath excellently refined from theſe Grounds: I may ſafely ſay, That there never was but one *KING* in *England* from the firſt Foundation of *Kingſhip*, and can ſafely conclude there will never be more, and that there have been many, and more I hope will be, whoſe Perſons ſhall exerciſe that Office: For the Law doth poſitively affirm, The *King* never dies; and that the reaſon is, becauſe its Original is grounded upon the ſame Foundation, which is ſo conjoyned together, that no Death can make a partition: And the difference is, The *King* never dies; but the name and thing hath a kinde, in a vulgar ſence, of an Immortality, if we conſider the continuance of the word and perſon that is inveſted with that Name by the judgment of them, is not ſaid to die; but to deviſe, which is to depoſite, and to lay up the Name and Title of the King. Indeed to depoſite it in another hand, all which proceeds in Judgments of Law, *ex neceſſitate conſequentis*, and from the neceſſary Inconveniencies and Miſchiefs that may ariſe to the People by *Interregna*, and by other Conſequences, that would be too long to relate; there is a famous Example in 1 *Hen.* 7.

The

The common ground that is taken by the acceſſion of the Office and Dignity to the perſon, but the true ground is the name, and the Office is become part of the body of the Law, which ſhould puniſh the offences, againſt which it was committed, which doth prove both the neceſſities of the name, and the neceſſary relation there is between the Name and the Law, and it is a neceſſary deduction that the Name *King* is the thing wherein the Office and Power is placed, and therefore not practicable by any Statute or Act of Parliament, to divide the Power and Office from the Name, and transfer that power without the Name; the word King hath ſuch eſſential reference to the Law, that it never looks to the perſon, to make that the ground of the eſſence, but if it had been the Name, the Law was ſatisfied, and therefore it never examined the right of the Perſon, how he became inveſted with the power, but *de facto* whether he were or no, and if ſo, whether *de facto* or *de jure*, it hath the ſame influence upon the peoples right, and the ſame advantages to the chief Governour.

The Objections of the Government now, and of the Government under the Keepers of the Liberties, and the quietneſs under both of them.

1. *REmember the difficulties in making.*

2. *The grounds why the Judges acted, though ſome refuſed.*

3. *That upon debate when inconveniencies were ſet forth, theſe grounds another Parliament might change, and the like.*

4. *To*

4. *To the government, the diſlike of the people, how ſome diſreliſh this now ſet up.*

5. *The Laws did proceed farre, when the* Ordinary proceſs *diſobeyed, a good army to help us, the ground and reaſon of the warre againſt the perſon: for the breach of truſt in his departure againſt his firſt promiſe in Parliament, upon the Petition of the Speakers, &c. and was not againſt the office but againſt breach of truſt in that office, by the abſence of the perſon.*

There is alſo another reaſon why the office cannot be annext to another *name*, either by act of Parliament or otherwiſe, for in any other name you muſt ſuppoſe the *office*, the *King*, ſo that any other name is but a fiction in reſpect of the right name, and that would be very dangerous, both to the laws and to the propertie, to lay the *baſis* and foundation upon a fiction, which was a reaſon that ſome of the Judges forbare to act upon the name of *Cuſtos libertatis Angliæ, &c.* and the ſame reaſon upon any other name; I urged alſo that this Petition and advice was matter of right not of grace, which was never denied by any Prince in this Nation, nor can it be, becauſe there is an obligation in all caſes to do *Right*, and this obligation is upon the *Protector* whilſt he takes upon him the cheif Magiſtracy.

Colonel Jones, 16. April.

MAy it pleaſe your Highneſſe, I am unwilling to ſpend the time in ſpeaking after thoſe two learned and honourable perſons that ſpake laſt, and therefore ſhall endeavour in what I have to ſay to thoſe doubts you were pleaſed to make when this Committee had

the honour last to attend you, to be as brief as may be. Your Highneſſe was pleaſed then to ſay, that though the arguments brought to the maintenance of the title *King*, in the Petition preſented to you by the Parliament, were weighty, yet in your anſwering them you muſt not grant them neceſſarily concluſions, but take them as having much of conveniency and probability of, towards concluding; for if an expedient may be found, they are not then neceſſary. And you were pleaſed to tell us that though *Kingſhip* be not a Title, but an Office interwoven in our laws, yet it is not ſo *ratione nominis*, but from what it ſignifies, that being a name of office plainly implying the Supreme Magiſtrate, and therefore whatever name it be, wherein the Supreme Magiſtrate reſides, the ſignification will give to the thing, and not to the name, and ſeeing this Title had a Commencement, and alſo hath been unfixed, why may not a new one now commence and be now fixed by the legiſlative authoritie, and thereby be made to run through the law, as well as the Title *King*; from whence may be inferred this Title is not neceſſary,) but may it pleaſe your Highneſs, if it be conſidered the intention of the Parliament in this their humble addreſſe to you, (*viz.*) that it is a *Settlement*: it would then be likewiſe conſidered, whether a new name will not be found, in this caſe to make a new office alſo, and whether then the novelty thereof will not hazard it nor fruſtrate that great end of ſettlement, the Antiquitie and tryal of laws, being that which doth beget the greateſt reverence and ſatisfaction of them in the people, and that the change of the name makes it a new office will appear both in reſpect of his authoritie, who bears the office and in reſpect of the peoples obligation in matter of obedience to that new officer; for by the ancient

ancient law he cannot claim ſubjection from them, nor can the people thereby claim protection from him, the ſtrength then of the ſettlement, and of their rights and liberties, as farre as they relate to this new Supreme Magiſtracy, will reſt upon a new and untried conſtitution, and this authority upon the ſame foundation, the wiſdome of our Anceſtours, even in leſſer matters when they introduce a new Law, made it for the moſt part a probationr onely; and I may humbly ſay, we have now ſome years been making probationeries of new governments, and therefore the Parliament finding the people not yet ſettled with any of them, return to that which by long experience and cuſtome hath been found to ſuit with their minds, and rights, the people having not the ſame ſatisfaction nor acquieſcence in any new thing which they have in long approved laws and cuſtoms, a new thing being in it ſelf uncertain, not onely whether it will prove good or no, but alſo in this caſe, in reſpect that one maine property of the ſettlement being a co-ordinate power, depends upon it, and will be ſubject to be controverted whether one co-ordinate is well put up by another, or may not by the like power that ſets it up, be pulled down again, which cannot but leave mens minds as doubtful of ſettlement as ever, things uncertain and diſputable, naturally carrying unſettlement with them. Time and experience hath grafted this *Name* and *Office* in the minds of the people, and that (as I ſaid already) begets reverence and ſatisfaction in their minds. Alſo they were the exorbitances of the office (which in great meaſure this petition provides againſt) that was complained of, and not the *Office* nor *Name*, which are founded upon the ancient laws, the altering of either, alters the conſtitution, and lays it upon a foundation leſſe certain,

and eaſier to be ſhaken; and therefore to take up the *office* without the *title* will be to take it up with all the objections of Scandal: or otherwiſe it is ſaid to be liable to, and yet to want the ſupport of the ancient laws it carries with it, and the advantage of ſatisfying and ſettling the minds of ſuch of the people of theſe Nations, as by the conſideration of novelties, and what in this caſe attends it, will otherwiſe reſt doubtful and unſettled. Theſe are ſome of the grounds I obſerved in the debate of the Parliament, to induce them to judge this *title* not only expedient, but in reſpect of ſettlement neceſſary. Your Highneſs was pleaſed to object alſo the diſſatisfaction of good men which you judged in things indifferent were to be conſidered.

They are ſo, and it hath been ſo judged by the Parliament, who manifeſted great tenderneſſe in that kind, and I hope ever will: but in this matter found by the Parliament not to be indifferent, but neceſſary for the ſettlement of theſe Nations, they hope that wherein good people have not already been ſatisfied, they will endeavour for ſatisfaction: and it is to be hoped that when the matter of this Petition will be made more publick, they will find ſuch care and proviſion made for good men, and of good things, that will certainly give them ſatisfaction, I think I may ſafely ſay, ſuch a poſitive proviſion for their liberties and incouragement hath not been found under any former *King*, nor any other form of government, to which your Highneſs hath been pleaſed your ſelf to give that teſtimony, ſo that it is not *Kingſhip* alone, as formerly the Parliament adviſeth your Highneſſe unto, but to the office with ſuch a proviſion made for the good intereſt; and if then your Highneſſe (of whoſe faithfulneſſe to their intereſt, good people have received ſuch ample teſtimony) will be pleaſed to conſent to this Petition of

the

the Parliament, an authority always of no ſmall eſteem and reverence with the beſt men; I doubt not but when it is done they will chearfully acquieſce, though while it is doing they may have ſcruples for that of providence laying aſide the *title*, I thinking the argument whence will be as cogent againſt the office it ſelf, and againſt government by a ſingle perſon under any title, the acts of Parliament mentioned are as expreſſely againſt the one as the other; and therefore the exerciſe of the Supreme power by a ſingle perſon under any *title*, is as much a contradiction of providence and theſe acts of Parliament, as the exerciſe thereof under the title of a *King*: but certainly the laying aſide of a thing *de facto*, which though indeed it be an act of providence, yet it cannot be conſtrued, that the intendment, of that providence is finally to lay it aſide, never to be reaſſumed again: the conſequences of ſuch a poſition are many and may be dangerous, for what by that rule is not to be laid aſide.

I remember here an objection made, that your Highneſs in another place, which I had almoſt forgotten, which was that we did enjoy our laws, and that the juſtice was freely adminiſtred under ſeveral changes and titles, as that of the Keepers of the liberty, and the title your Highneſſe now bears. To which I humbly anſwer, that if ſo it may be ſaid, thanks are rather to be given to the perſons into whoſe hands the power fell, than to the conſtitutions. However I crave leave to ſay this, that changes imply not a ſettlement, and ſince providence led us from our old conſtutition, we have in a few years had 4. or 5. changes, and that theſe changes have not been accompanied with more hazards, it is a matter of praiſe to the Lord, and of commendation to the powers we have been under, but if one providence both laid aſide *Kingſhip*, another led it in, and calls upon you to take

it up: and it is to me a remarkable thing, that providence hath caſt it under ſuch conſtitutions and laws, as if when we have thrown out the Tyrant that oppreſſed in our ſpiritual and civil rights, we can by our ancient laws graft another in, that may be a fit inſtrument to preſerve both; who (as the learned perſon that ſpoke laſt ſaid) may make up as it were but one *King*: this 500 years the law not admitting an *Inter-Regnum*, from whence I inferre, that as it was not the end of our Warre, as appears by ſix or ſeven Declarations of Parliament, one whereof was ordered to be read in all Churches; ſo our providence led not to lay aſide either the *Name* or *Office*, but that Family which oppreſſed us, then all mens lives and liberties depend on this ſettlement, it is neceſſary then to lay it in the ſtrongeſt foundation that may be.

And as for that of ſafety, it is not for me to ſpeak much to it, but certainly it is to be hoped, that as a Parliament adviſe your Highneſſe to things honeſt and lawful, and by them judged neceſſary for a good ſettlement, and therein take care and provide for our Rights as men and Chriſtians, and your Highneſs thereunto, all dangers by Gods bleſſing upon your Highneſs wiſdom, backed with ſuch an Annuity, and an Army under the conduct of ſo many religious and faithful perſons, ſo well principled to the obedience of lawful powers, may be prevented. And therefore I humbly hope God will incline your Highneſs to grant the Petition and advice of the Parliament.

16. April.

16. *April*, *Sir* Richard Onſlow.

The Lord Protectors Objections.

Objection, That the Title of *King* is a name of an office, and any other name which may imply the ſoprême Magiſtrate hath the ſame ſignification and therefore no neceſſity of the name.

Anſwer, every office ought to have a name adequate to the ſaid office, and no other name than *King* can be ſuitable and comprehenſive enough to contain in it the common good to all intents and purpoſes.

It is a Rule, that the Kings of *England* cannot alter the laws of *England ratione nominis*, but is bound to Govern according to the laws of *England*, but for any other name, there is no obligation lies upon it.

That the very Title is neceſſary was declared in the 9. year of *E.* 4. when the great controverſie was betwixt *E.* 4. and *H.* 6. that ſometimes one was in poſſeſſion and then another, that it was neceſſary the Realm ſhould have a *King* under whom the laws might be maintained and holden; for every action done by the *King* in poſſeſſion was valid and good, for it was his Juriſdiction Royal, ſo likewiſe the firſt of *H.* 7. ſo 3. the ſame opinion was held and declared, that a *King de facto* was neceſſary, and in all alterations from perſons and families. Yet our Anceſtors always retained the *Title* and the *Name*.

There is a *prius* and a *primum*, another name may in order and degree be firſt, that is, before other men, but it was a *King* was *primum*, the firſt name that had its beginning with our laws.

The Cuſtomes of *England* are the Laws of *England*, as well as our States laws, the title of *King* and *cuſtom* are two

twins born together, and have had continuance together, and therefore to say *Protector*, of which we know the date, with *Custom* (of which no memory can speak) is a kind of contradiction to the Original.

Then there must be a Law introductive, because *Protector* is a new name that our Law doth not yet know. Now to ingraft a young Cien upon an old stock it will never grow, but there must be an irradication of the old root and a new plantation must be made, and that all the old customes must be put into positive laws, and that will be a thing consisting of much time and great difficulty.

The title of *King* is so incorporated, and in conjunction with our *Customes*, which do very much concern the people of *England* to be upheld, and then there is a rule, *Quæque res in conjunctione pro bono conjunctionis*, that ought to be done which is for the good of the conjunction and benefit thereof, and if it be for the advantage of the single person and the people, it brings me to mind of another rule my old Master *Tully* taught me, *Communis utilitatis derelictio contra naturam est*, it is not natural to decline that which is for a common benefit and utility.

And therefore I shall say but this as to the title, that as the Patriarch *Jacob* joyned together in his blessing upon *Judah* the Law-giver and the Scepter, so the Parliament of the three Nations desires to preserve the title *King* in and upon the *Law*.

2. *Objection*, another argument your Highness was pleased to draw from providence, that had brought you to this place through much darkness, and had seemed to lay this title aside of *King*.

Answer, it becomes all men to acknowledge the acting of the providence and power of God for bringing to pass whatsoever he hath determined in the world, and

it

it is the mighty and wiſe hand of providence which Triumphs over Nations, and Triumphs and treads down all oppoſitions: Yet your Highneſs obſerves, it is not a rule to walk by without the word, the reaſon, the cauſes are hidden in the ſecret Counſel of Gods will; you may ſee in the Revelations, the Book is Sealed up with ſeven Seals, we may read what is paſt, becauſe it is written on the outſide of the Book, but what is to come we cannot read, and we ought not to limit providence, nor can we bound it with *a no further*.

3. *Objection*, this State hath by providence received ſeveral thanges to great ones from the former conſtitution, that of the Keepers of the Liberties of *England* and this preſent Government, under the title of *Protector*, and the firſt ſeemed to be the reſult of 7 years war againſt the *Title* and the *Family*.

Anſwer, it muſt be confeſſed it proved the event of 7. years war but the reaſons of the war did not lead to it, for the war was for *King* and *Parliament*, for the *office*; but againſt the perſon, againſt the exorbitancy and irregularities in his Government, but it was providence that took away at that time both the *Office* and the *Family*.

It was alſo providence that altered from that of a *Republick*, to this of a *Protector*; that act being as much againſt *Protector* as a *King*, for it was againſt a *Single Perſon*.

And may not, by the ſame ſeries of providence, this Parliament as well ſet up Kingly Government, as that Parliament took it away, having alſo the ſame power they had.

4. *Objection*, Another ground why your Highneſs would not accept of the *Title* was, the diſſatisfaction many perſons, who had been inſtrumental in carrying on the work, have againſt that title.

An-

Answer, in every change of Government there was and ſtill will be perſons unſatisfied, becauſe men are of mixt intereſts and differing in judgement, upon the change to a Republick. thoſe that conceived the Monarchical Government beſt were unſatisfied: but all ought to ſubmit and be concluded by the judgement of a Parliament.

Your Highneſs was pleaſed to ſay that neither your ſelf nor thoſe that tendred to you the inſtrument were authors in the firſt change, but it was the long Parliament, ſo that I may conclude, they were not engaged for that Government by King.

It hath been indeed the honour of the Souldiery that in all theſe changes they have ſtill followed providence, and have acquieſced, acting and living in practical conformity, but I wiſh they would be ſatisfied, for their love ſake to us, and their labours for us. High ſhould his reward be in Heaven, and happy his remembrance on earth, that would be the means of ſuch an accord, but to ſatisfie all men ſo divided as we are would be no leſs than a wonder. I ſhall ſpeak in a parable in the 37. Chap. of *Ezekiel* verſ. 16. the Lord ſaid to the Prophet, *Take two ſticks, write upon one ſtick for* Judah *and the children of* Iſrael *companions, and take the other ſtick and write upon it for* Joſeph *the ſtick of* Ephraim *for all the Houſe of* Iſrael *his Companions, and join theſe two ſticks in one ſtick, and they ſhall become one in thy hand, theſe are the two Nations of* Iſrael *and* Judah, *two diſtant and differing names, but they ſhall come under one King, and* David *ſhall be their King*, thus they were united.

5. *Objection*, Juſtice hath been as well adminiſtred and as free from ſolicitations under theſe changes as before.

Anſwer, you were pleaſed to ſay you undertook that charge

charge to preſerve from confuſion, which indeed is the worſt of evil, and the ſame reaſon might prevail with judges, and other Magiſtrates to execute Juſtice, and give to men their rights, which is ſo deſirable to all men and of abſolute neceſſity.

Juſtice may be compared to the water in the ſpring, if kept from his natural channel will break his way through the bowels of the Earth: nature ſometimes may ſuffer violence, there is a peace in a ceſſation to war, and their is a peace in the regard of the diſtraction may be termed; but an intermitting peace, for your Highneſs is pleaſed to acknowledge that the people call for a ſubſiſtery and cry aloud for ſettlement, from which under favour I may infer, that as yet there is no ſettlement ſo well ſettled as to be accounted perfect and good.

Your Highneſs is pleaſed to declare you had rather take a *Title* from this Parliament, than any title from any other place or without it.

The Parliament of *England* is the Womb of the Commonwealth, and in that Womb there hath been a conception and ſhape, and proportion, and form, and life, and groweth as far as the navel could nouriſh; there hath been alſo a delivery and a name given, there hath been *conceptu conceptus partus & opus*, and it hath been a great work to bring us to this delivery, it is therefore the humble advice of the Parliament that your Highneſs would be pleaſed to make it ſpeak the Engliſh tongue.

April the 16.

Lord Com. Fines.

YOur Highneſs the other day laid down as a ground of your enſuing diſcourſe this poſition that there

there was no neceſſity of the Name and Title of *King* upon which foundation your Highneſs ſeemed to build the arguments and reaſons of your Highneſs diſſatisfaction, as to that *Name* and *Title* and that in ſuch ſort as the matter is now circumſtantiated and ſtated by your Highneſs own ſelf, that there is a neceſſity either in the affirmative or negative, if it be not neceſſary that the name be aſſumed, it is of neceſſity to be declined, and if no neceſſity to decline it, then there is a neceſſity to aſſume it: for although the nature of the thing beit ſelf ſuch as poſſibly may admit a latitude of argument upon the point of expediency and conveniency, and that we are not ſhut up under an abſolute neceſſity either the one way or the other, yet the Parliament having given their judgement upon it, and their advice to your Highneſs in it, your Highneſs ſeemeth to admit that there lye the kind of neceſſity upon you to aſſume it: if there be not a neceſſity to wave it, for you will not without neceſſity decline the advice of the Parliament having ſaid that you ſhould rather chuſe any name, which they ſhould fix than any name whatſoever without. Then it holdeth out thus much, that you will not put expediency and conveniency, but onely neceſſity in ballance with their judgement, who are the proper Judges of things in that nature, and what is moſt expedient and convenient therein for the three Nations, which they repreſent, and thought a name might otherwiſe be inconvenient, yet accompanied with judgement of the Parliament, it would become more acceptable to your Highneſſe, than any other name without, as your Highneſs hath ſaid and admitted, and beſides the grounds of diſſatisfaction held forth by your Highneſſe, relating to conſcience, they muſt be ſuch as are grounded upon a neceſſity in the negative through the reaſons alledged by the Com-

Committtee ſhould not of themſelves conclude, but only in expedience in the Affirmative; yet they are ſo far from concluding a neceſſity in the Negative, that they do it by accident in the Affirmative, becauſe there is not onely no neceſſitie of the Negative, but an expediency in the Affirmative, which notwithſtanding is more than lay upon the Committee to make out, it being ſufficient, as this caſe is, to ſhew that there is not a neceſſity to decline it, is to conclude a kind of neceſſitie to take it, and whether or no if the poſition laid down by your Highneſſe were admitted, the reaſons given by your Highneſſe, do upon ſuppoſition conclude a neceſſitie of declining this Name, is the queſtion in the ſecond place: when firſt poſition hath been conſidered, how far it muſt or need not to be admitted; there is a double neceſſity in a natural and a moral neceſſitie: a paternal neceſſitie falleth not under conſideration rules, if it be one reſpect, becauſe their is a kind of impoſſibilitie, at once to enumerate all particular caſes and circumſtances, wherein the chief Magiſtrate ſhall or ſhall not have power or right, which many hundred of years hath done and fitted the Laws in all particulars to the *Name* and *Title* of *King*, but to the Name of *Protector*, or any new Name, either all caſes and circumſtances muſt by particular enumeration be applied, which would be the work of an age (as it hath been of many ages in that Name of a *King*) or it muſt be left at leaſt in what is not enumerated boundleſſe and Lawleſſe, which that it ſhould not be: there is a moral, that is to ſay a politick neceſſitie, or elſe, to ſuit a particular enumeration, there muſt be a general clauſe, that in all things not particularly ſpecified, they ſhall be defined by the Laws and Rights belonging to the Name *King*, and then the queſtion will be meerly nominal, and conſequently not be put in ballance with the judgment of the

the Parliament, for that a neceſſity in the Negative cannot ariſe out a meer nominal difference of the thing, and the definition thereof being Identically the very ſame, and there being no difference but only that of a new Name, which in the judgment of divers wiſe men, may draw after it ſuch a conſequence, as the putting of old Wine into a new Bottle, which may hazard the loſs of the thing, and of the Laws, and Liberties of the Nation, which are deſired to be preſerved thereby: as to moral neceſſity, it is either ſo *abſoluta neceſſitate*, or *neceſſitate precepti*, or *neceſſitate medii*; for the firſt neceſſity there are but four things that are neceſſary in that ſenſe, as God is neceſſarily good, true, &c. and as to that neceſſity which is *virtute precepti*, it is ſo either primarily or ſecondarily *in terrenis actus humani*, and of the latter ſort is the matter in queſtion, of at all, neceſſarily *neceſſitate precepti*, for though Magiſtracy be an Ordinance of God primarily, yet particular forms of Magiſtracy and Government, and much more the circumſtances of thoſe forms, as Names, Titles, and the like, are firſt Ordinances of men, before they are Ordinances of God; firſt man ſet's his ſtamp upon them, and then God ſet's alſo impreſſe upon them, and therefore though they be but Ordinances of men, yet the Apoſtle ſaith, we are to ſubmit unto them for the Lords ſake, whether to the King as Supream, or to Governours as thoſe that are ſent by him, and what *Peter* calls Ordinances of men, *Paul* calls Ordinances of God, and yet they are to be obeyed not onely for fear, but alſo for Conſcience ſake, ſo that in theſe forms of Government men may do as they will, as in other contracts wherein it is free for them to contract, or not to contract, or to make their Covenants

nants this way or another, but when they have made them, they muſt keep them, for then Gods ſeal is upon them: now as to the matter in queſtion, it is clear, that the unqueſtionable ſtamp of humane Authority, and the Ordinance of man in theſe Nations, hath accompanied this Office under this Name for many hundred years together, and if it was waved and laid aſide, as of late years, it is now ſet up again by as good an Authority, and a fuller repreſentative of the three Nations; and though it be onely by Petition to your Highneſſe, yet it is in ſome ſort a Petition of Right; for the people of theſe Nations have an intereſt in their Government and Laws (whereof this was amongſt fundamentals) as well as in their Liberties and Lands; and although particular perſons may have forfeited their intereſt in the Government, yet I do not know that the Nations have forfeited their intereſt therein, but if this point ſhall ſeem to be driven too far, yet it is clear, that if this Office under this *Name* and *Title* be moſt known, and moſt ſuitable to the Laws of theſe Nations, moſt agreeable to the deſires and diſpoſitions of the people, and moſt likely to maintain quiet and peace in the Nations, with Juſtice and Liberty, which are the great ends of Government, and of all Forms and Names therein, as in the Judgment of the Parliament it is: Then as it is the duty of the Parliament to adviſe it, ſo doth thereby lay an obligation upon your Highneſſe to accept it *neceſſitate medii*, as a neceſſary *medium* to attain thoſe ends: And whereas your Highneſſe is pleaſed to ſay this *medium* is not neceſſary, becauſe the ends may be attained by another *medium*, as appeareth in theſe two Names and Titles, *Cuſtodes libertatis Anglia*

gle and *Protector*: beſides, the experience in the one, that was but of ſhort continuance, and of the other, that it hath and doth ſtill ſtand but in a ſhaking and uncertain condition, and of both that they have attained the end but imperfectly, and through the help of a great deal of force; and though it cannot be denied, but that the end may in ſome degree be obtained by ſuch other *mediums*, which may ſerve the turn in caſe of neceſſity, and when no better can be had; yet where ſuch a neceſſity is in the caſe, there doth ſpring out a kind of moral, or at leaſt a politick end of the contrary, and of embracing that which is the beſt *medium*; for in caſe of neceſſitie, there might be a Government without any Laws, and that *Arbitrium boni juris* ſhould ſerve in ſtead of all Lawes; and yet where Laws can be had, none will ſay that Lawes are not neceſſary: when a man hath a better Lamb in his Flock, a worſe will not ſerve, but in that caſe there is a moral neceſſity, that the beſt be brought for a ſacrifice, when the Parliament (and they ſuppoſe the like reaſon extends alſo to your Highneſſe) are perſwaded in their judgments, that this is the beſt *medium* to preſerve the Liberties and the Peace of the Nations, and yet no neceſſity appearing unto them ſo to do, ſhould make choice of a weaker prop, and that thereupon ſhould enſue inconvenience, and that the band of peace being broken, blood and confuſion ſhould return upon the Nation; it muſt needs alſo return upon their thoughts, that they had been wanting in their duty, in not providing the beſt remedy, which poſſibly might have prevented the miſchief which leadeth to the conſideration of the ſecond queſtion in this matter, whether admitting your Highneſſe poſition, that there is not a neceſſity of this Name *King*; the reaſon held forth by your Highneſs, makes out ſuch a neceſſity,

ty, as that you cannot take upon you that *name* though adviſed thereto by the Parliament, as the beſt and moſt reducing to the ends of government, withal granting not abſolutely neceſſary, if there fall not out to be neceſſity in the caſe, to the contrary, your Highneſs was pleaſed in the firſt place to mention the diſſatisfaction, as to this particular of many Godly men, and ſuch as have grown up all along with you in the carrying on this great cauſe, as ſouldiers, which indeed muſt needs be a very great and tender conſideration to your Highneſs, as it is alſo to all of us, who reap the fruit of their prayers, and of their hazards, and great and worthy ſervice, and it would be a great happineſs, if it might pleaſe God that great and good things were carried on with unanimity and harmony amongſt good men: but the felicity hath never yet been granted unto us, but that great matters and changes have been accompanied with great difficulties, with great difference of judgments, even amongſt the beſt men, as our late changes ſufficiently teſtifie. For your Highneſs knows well when that change was made, whereby this *Name* and *Office* was laid aſide, how many Godly men and your old friends were diſſatisfied therewith, and yet thoſe that had then the power did not think that they ſhould therefore forbear to do what then was judged for the good of the Nation. There was the like diſſatisfaction on the other ſide of many Godly men, when your Highneſs took upon you the Government under the name of *Protector*, and yet it was not held an unjuſt obſtacle to what was then thought good for the Nation. There is a certain latitude wherein there may be had a reſpect to friends when the publick good of the whole Nations is in queſtion, other conſiderations may not take place, and it is not love to ſatisfie mens deſires to their own hurt, and the hurt of the publick; ſo it cannot be thought, but that Godly

and ſober men, when they ſee this *name* ſtamped firſt with the ordinance of man, and after with Gods ordinance, (for ſo it will then be) they will ſubmit thereunto for the Lords ſake, and ſatisfie their minds that they ought ſo to do, for that other reaſon alledged by your Highneſs, that this *name* hath been blaſted and taken away by the Parliament, it is clear, that the *thing* was as much blaſted as the *name* and the Government by *one perſon*, under what name ſoever, as much and more blaſted than this *name*; but in truth, neither *name* nor *thing* hath been at all blaſted by God; otherwiſe than he blaſted all things and names of this nature. It may be as truly ſaid, that he hath blaſted Parliaments, for they have alſo undergone and felt the like blaſts, but God hath ſo declared his will concerning all particular forms of Government, that they are wholly at the pleaſure and diſpoſition of men to be continued and altered and changed according to the exigency of affairs and publick good of the People and Nations for which they are created by men: for the Scripture calleth them *humanæ creationis*. Therefore as men blaſt them, ſo God blaſteth them, and when men ſet them up again, God honoureth them again, and commands they ſhould be honoured; One Parliament thought the perfect ſtate of affairs required the taking away of this *name* and *office*; and this Parliament iudgeth, the preſent State of affairs requireth the reſtoring it to the Nations again: as to that point of ſafetie which your Highneſs touched upon, we may beſt anſwer it by drawing a curtain before it as your Highneſs hath given us an example, there are diſſatisfactions on the one ſide, as well as on the other, neither is the conſideration of danger only on the one ſide and ſome things may be more convenient for your Highneſs to conceive, than for us to ſpeak: only

onely I ſhall remember your Highneſs what the Wiſeman ſaith, *he that obſerveth the wind ſhall never ſow, and he that regardeth the clouds ſhall never reap:* the huſbandman in the way of his calling muſt rule his actions by the ordinance and revealed will of God, without attending unto the uncertain events, which may ariſe through the indiſpoſition of the air, which is in Gods hands and diſpoſition, ſo every man in the way of his calling, muſt attend to what is the revealed will of God to guide his reſolutions and actions thereby, and not by the various minds of men, which are in the hands of God: and the Wiſeman alſo ſaith, *he that walketh uprightly, walketh ſurely*, he walketh uprightly that walketh according to Gods revealed will. It is alſo a great note of Integrity to ſpeak as a man thinketh, to do as he ſpeaketh, and to ſuit name to things and as your Parliament hath thought to ſuit with this thing: ſo have they offered to your Highneſs with much integrity and without any other reſpect ſaving to your good and liberty of the Nations.

Lord Broghill

April 16.

YOur Highneſs the laſt time this Committee had the honour to wait on you, ſeemed to be of opinion, that it was not neceſſary that you ſhould aſſume the Title of *King* to exerciſe legally the office and duty of ſupream Magiſtracy of theſe three Nations; becauſe that the Title of *Protector* is by the authority of Parliament made the Title of the

chief Magiſtrate would do as well and anſwer all ends of Government as fully, as that which now the Parliament does deſire and adviſe your Highneſs to take upon you: but to effect this, either all the powers and limitations of a *Protector* muſt be more particularly enumerated, or he muſt under the name have all the Authorities with a *King*, as a *King* has by the Law. Of the firſt of theſe then (as thoſe learned Gentlemen that have ſpoken before have fully proved) whatſoever is not particularly ſpecified, the *Protector* is left to act arbitrarily, or a Parliament muſt be called to ſupply every new diſcovered defect, his power being derived only from that authority that now does, or hereafter ſhall conſtitute them, which will prove dangerous and inconvenient both to himſelf, and the people, and to ſet down all authorities and abundances which are requiſite, will be a work of ſo much time and difficulty, if that in the Nation only it ſeems impracticable, in the acting it will be much more found ſo, if the ſecond, then it will evidently appear, if the difficulty is only about a name, and it would be a ſad thing indeed that any diſagreement ſhould be between your Highneſs and the Parliament: eſpecially when the thing differed in, as the ſettling of our foundation, and the thing differed upon, is only a name, I hope that unhappineſs will be ſo well foreſeen as never to run unto.

Your Highneſs was pleaſed to take notice that if the Title of *Protector* were ſettled by Parliament, hardly any thing could be objected againſt it, but that it is a Title not ſo long known to theſe Nations as that of *King*, which is a grave and weighty objection, ſince in conſtituting of Governments, the ableſt and moſt deſerving judges are uncapable to ſee theſe diſadvantages and inconveniences which time and experience do

do render evident, which may be a reaſon, if not the chief one, why our Anceſtours would never alter Kingly Government, though they had often the power to do it, and were provoked thereunto by exorbitance and evil Government of their Princes, chuſing rather to bound that office proportionably to the evils they have deſerved in it, than to eſtabliſh a new Model of their own, in erecting of which they could not have in ſome ages, the experience they had of that, and to caſt off an office that has been ſome hundred of years a pruning and fitting for the good of the people, to eſtabliſh one that has been but newly known, were to think our ſelves wiſer in one day than our forefathers have been ever ſince the firſt erecting of *Kingſhip*.

It has been an unqueſtionable principle that the Magiſtrate is eſtabliſht for the Laws, and not the lawes for the Magiſtrate: if therefore the Title of *Protector* ſhould be the Title of the ſupreme Magiſtrate, we ſhould fit the laws to him, not him to the laws; which would be by our practice to contradict our profeſſions, and poſſibly wound the peoples rights, but in this point there has been ſo much ſaid; and that ſo learnedly by thoſe worthy perſons, who have ſpoken before, that to prove the neceſſity of your Highneſs aſſuming the Title of *King*, and ſhould only add a mentioning of thoſe many reaſons that the Parliament of three Nations think it neceſſary you ſhould do it, which is evident, by their inſerting it amongſt theſe three things, which they eſteem fundamental as to the ſettlement: yea, they have placed at the head of all thoſe fundamentals and laid ſo great ſtreſſes on it, that in their humble Petition and advice, they declare that if it be not accepted of, the whole ſhall be eſteemed null and void, ſo that the

higheſt neceſſity impoſed by a Parliament will have the beſt acceptance, your Highneſs was pleaſed to mention, that we had recent experiments what the ſupreme Magiſtracy of the Nation might be well carried into all effects and purpoſes under another Name and Title than that of *King*, viz. under the name of *Keepers of the liberty of England*, and under the name of *Protector*, but I ſhall humbly beſeech your Highneſs to conſider, that becauſe that was not grounded upon the old known Laws, it was of very ſhort duration: and the ſecond for the ſame reaſon, the Parliament is now petitioning and adviſing your Highneſs to alter, ſo what is brought as are arguments to prove, what your Highneſs mentions, poſſibly may rather evince the contrary: beſides, Sir, it is confeſſion on all hands, that theſe two changes ſprung from neceſſity: therefore were not, neither ought to be of longer continuance than that neceſſity which cauſed them, and this is the great and real difference between conſtitutions that are eſtabliſhed meerly becauſe neceſſary, and thoſe that are eſtabliſhed meerly becauſe good: for what is only of neceſſity is but temporary, as no effect laſts longer than it's cauſe: but what is good in it's own nature, is always good and if by intervening accidents it be a while clouded, yet at length it ſhines and overcometh, and all wiſe men do deſire to revert unto it. To prove that the firſt of theſe changes, the *Keepers of the liberty of England*, was only an act of neceſſity and not of choice, I need but mind your Highneſs of what the Maſters of the Rolls then ſpake of, the Parliament did even now evert, that after the abſolution of *Kingſhip*, the Parliament were neceſſitated to adviſe with a Civilian of another Nation, what the Hollander had done, what they did,

they

they were at a loſs what to do, the providence of God hath ſo altered the temper of officers between that time and this preſent, that the change appeared beſt, becauſe neceſſary: but the Parliament eſteems the change now deſired neceſſary, becauſe beſt, nor can we poſſibly better expreſs our thankfulneſs for the opportunity which now God hath put into our hands, than to employment, to make the beſt and laſtingeſt ſettlement; all things are beſt which are found beſt upon tryal; but all the changes we have been under of late were upon belief, not experiment, and having had an eſſay of all, the Parliament have found that above all *Kingſhip* is the beſt, ſo that by the beſt judges, and by the beſt way of judging that form of Government now preſented to your Highneſs, hath the preceeding in the peoples opinion, and therefore is hoped you will have it in yours.

It may poſſibly be fit for your Highneſs obſervation that the beſt breach which happened amongſt thoſe worthy perſons which inſtrumentally carried on our Common cauſe, ariſe from the taking away the *Title* and *Office* of *King*, ſo often declared for and engaged to be maintained by the Parliament, till then we went hand in hand and took ſweet council together, and if the aboliſhing thereof cauſed ſo ſad a breach probably the reſtoration of it may make it up again.

Your Highneſs was pleaſed to ſay, you aſſumed the Office you now bear with no better hope than to prevent miſchief; queſtionleſs we may expect better fruits from the ſupreme Magiſtracy: and if your Highneſs, who is every way ſo worthy of that office, had no better hopes under the Title *Protector*, we may juſtly ſubſcribe it not unto your ſelf, but unto the conſtitution of Government you acted

under, and therefore your Highneſs do aſſume the Supreme Magiſtracy according to the Laws: we ſhall both hope and believe that you will not only prevent ill, but do much good, the beſt Governour being graſted upon the beſt Government. Your Highneſs expreſſed ſome doubts that the providence of God hath blaſted the *Kings* office in the duſt, and that by an act of Parliament was laid aſide: but *I* humbly hope your Highneſs will pardon me, if I cannot have the like apprehenſion, I cannot believe if that office were blaſted by the hand of God, that the Parliament would adviſe and Petition you to take it up. Beſides, Sir, the very act which firſt caſt out the Kingly Office, did alſo caſt out the Supreme Magiſtracy in any ſingle perſon: yea, by way of election or otherwiſe; therefore I begg your pardon if I cannot think that act of Parliament can be interpreted as a providential blaſting of that office, which your Highneſs thought neceſſary to accept of, and by virtue of which we have for ſome years paſt enjoyed quiet and protection. So that if *Kingſhip* be blaſted, then Supreme *Magiſtracy in a ſingle perſon* is as much, being both equally declared againſt at the ſame time, and in the ſame Act of Parliament; and that ſince your Highneſs by your actings have evinced you did not believe the *Supreme Magiſtracy in a ſingle perſon* was blaſted by providence, you will permit us to believe that *Kingſhip* is no more blaſted than that the ſame authority and the ſame act having blemiſhed (as far as it could) both alike; but your Highneſs is pleaſed to ſay *Kingſhip* is caſt out *de facto*. If the weight of the argument do reſt thereon, your Highneſs by accepting the Petition and Advice of the Parliament will make your argument as ſtrong for *Kingſhip* as ever it was againſt it, and 'tis hoped your Highneſs will not doubt that what one Supreme authority did ſuppreſs, another

another may erect: that ſeemed neceſſary then in the judgment of them only, then they knew not what to do when they had erected Kings, and we ſhall be in the like perplexity if now you accept not of this: What the long Parliament did after ſo long a War, muſt be conſidered rather as reſult of providence, than the caſting out the other. The Eſtate of Parliament muſt be conſidered under that notion alſo, and yet I think there is few that eſteem it not as fit to reſer it again under due qualifications, as then 'twas eſteemed fit not to allow of it under any; if alſo your Highneſs arguments were carried on as farr as it might be, I apprehend it might alſo bring it in queſtion, that the Parliaments were blaſted by providence, for whoever allows not the diſſolving of the long Parliament to be under that notion, will hardly find a good reaſon for its diſſolution; but it may be anſwered, that it may not caſt down in reference to ſome that acted in it, who were ſuſpected to have a deſign of perpetuating themſelves in that authority, which would have turned what ſhould have been our Phyſick into our food. To which I humbly anſwer, had that been ſo, the people might have had new Writs ſent unto them for the election of their repreſentatives, who might have carryed on the publick affairs of the Nation by a new Parliament; but it ſeems thoſe times would not bear it, and therefore a convention of ſelect Perſons were called, unchoſen by the people, to whom all power was devolv'd, and who had even a right to have perpetuated themſelves by calling into themſelves from time to time whom they thought fit: ſo that Parliaments were not for that turn only laid aſide, but even by that conſtitution which did it, were perpetually excluded: by which it is evident that if *Kings* were *de facto* blaſted, Parliaments were the like; yea much more, for in the act for aboliſhing *Kingſhip*, it

was

was treaſon in thoſe only who offered to reſtore it, but by conſent in Parliament; but in that aſſembly there was no ſuch proviſion for Parliaments ever, as hath been ſaid. By their conſtitution Parliaments were excluded; and to evidence how much ſtreſs there lies barely upon a legal name, that aſſembly to give greater authority to their actings, ſtiled themſelves a Parliament, as the only name the Parliament took notice of, as the Supreme authority of the Nation which poſſibly may invite your Highneſs to believe that godly men and wiſe men think it eſſential to have Titles conſonant to our Laws: and therefore that your Highneſs in the exerciſe of the Supreme Magiſtracy will be the rather invited to aſſume the Title *King*, that being conſonant, and that only being conſonant to the Law: I think all ſober men agree of that Government, but for the particular form thereof, it is left to the wiſdome of thoſe which the people chuſe to repreſent them, to ſet upon ſuch a form as may be moſt fitted to their *Genius*, and likelieſt to prove their good and quiet. If any can prove that *Kingſhip* by the word of God is unlawful, or that people have not power to give the Supreme Magiſtrate what name they think beſt, I ſhould be then ſilent; but ſince that power is unqueſtionable in the Repreſentative of the people, and that they have deſired your Highneſs to govern them by the Title of *King*, and ſince alſo nothing can be objected againſt it, and both reaſon and cuſtome pleads for it, we earneſtly hope you will not think fit to deny the people that which is but their Right, and I believe it was not yet denied by any Supreme Magiſtrate to any people: to which may be added, that if the *Kingſhip* has been caſt out by many providences, your Highneſs accepting it will ſhew, that it is reſtored at leaſt by as many more as have happened in reference thereunto, for its abſolution to its reſtitution.

Your

Your Highneſs did further object, that ſome good men would be offended at your acceptance of that Title. I confeſs it is very conſiderable and I think every judicial perſon of the Houſe would be very cautious to give men under that character a juſt offence, but your Highneſs will be pleaſed to permit me to mind you of the character you gave of good men in your laſt ſpeech; they are ſuch you ſaid as give obedience to Goſpel-Ordinances, which requires Obedience to authorities, not for fear, but for conſcience ſake, That you reckon nothing of Godlineſs without the Circle, and that any principle which oppoſeth thus was diabolical, and ſprung from the depth of Satans wickedneſs. You were pleaſed further to ſay, that though ſome good men ſcrupled at that name the Parliament thought fit to aſſume, yet their doing ſo was no part of their goodneſs: by all which it will be evident that your acceptance thereof cannot offend good men, but by their eſteeming their Obedience to a Goſpel-Ordinance, an offence which I hope no good men will or can do. I ſhall alſo humbly beſeech your Highneſs to conſider, that if on the one ſide the acceptance of the Title may offend ſome good men, ſo on the other ſide the declining of it will give offence to the Parliament, where all good men are legally and at once only repreſented. The caſe of *David* when his child was ſick may poſſibly parallel the caſe of ſuch good men as are herein unſatisfied; while as the child was ſick he was very earneſt with the Lord for the reſtoring of it to health, but God was not pleaſed ſo to do, and the child died, his ſervants being of another principle than himſelf, thus reaſoned, if his trouble and grief were ſo great, while yet the child was not dead, what

what will it be now it is dead; but *David* reaſoned thus, while there was hope, I wreſtled with God, but ſince his will is declared I chearfully ſubmit to it. I hope, as ſcrupulous good mens caſes in the particular of *Kingſhip*, is a parable in the Hiſtory, ſo it will likewiſe prove in the event. Your Highneſs was further pleaſed to mention ſome conſiderations in reference to ſafety, to which I humbly anſwer, the things that are offered to you are juſt in themſelves in reference to Civils and Spirituals, and ſo acknowledged by you: that authority that tenders them is the Supreme legal authority of three great Nations. You have a faithful and a good army, and we have you at the head of them, what ſhall we then fear; To which I ſhall only add, that ſafety hath been often in danger by the Kings and Parliaments diſagreeing, but this is the firſt time, (if it be in danger) that ever it was by their agreement; to which I may further add, that whatever evil may ariſe from your agreement with your Parliament; it will befall us in the way of our duty, which is an inward comfort to ballance any outward evil; But if any evil happens, by your not cloſing with your Parliament, we ſhall undergo the outward harm, and be denied the inward ſupport. Your Highneſs was pleaſed to ſay, you had rather have any name that is not given by them. Permit me therefore now to ſay, that to all other arguments we have one irrefutable, and that is your own ingagement, for the Parliament doth deſire and adviſe you to accept the name of *King*, hitherto we have pleaded but upon the account of your engagement, and it is humbly hoped your Highneſs, who hath ſo exactly obſerved your word to your worſt enemies, will not break it unto your beſt friends, the Parliament.

Lord

Lord Whitlock, 16. April.

SIR, I have very little to trouble your Highneſs with, ſo much hath been already ſpoken and ſo well, that it will be hard for me or any other to undertake to add to it, only the duty of my employment, and ſomething due to your Highneſs, occaſions me to ſpeak a few words to acknowledge with very humble thanks, the honour and right which you have done this Committee, by the clear and free diſcourſes and conferences which they have had with your Highneſs, and for your frequent expreſſions and teſtimonies, of affection and reſpect to the Parliament, whoſe ſence in this I may preſume to ſpeak, that never any perſons met their Supream Magiſtrate with more love, duty and honour, than the Parliament have met your Highneſs with, in their preſent addreſſes; which argument of Love deſerves the eſteem and force, which I doubt not but your Highneſs will put upon it. I am fearful to be too tedious at any time, eſpecially at ſo late an hour, and therefore ſhall ſpeak but ſhort, to ſome things which I remember not to have been mentioned. Your Highneſs was pleaſed at the laſt meeting, to ſay that the original Inſtitution of the Title *King*, was by common conſent, and that the ſame common conſent might inſtitute any other *Title*, and make it as effectual as that of *King*: this muſt be acknowledged, but withal you may be pleaſed to obſerve, that the Title of *King* is not only by an original common conſent, but that conſent alſo proved and confirmed, and the Law fitted thereunto, and that fitted to the Laws, by the experience and induſtry of many ages, and many hundreds of years together; whereas any other *Title* will be only by preſent common conſent, without that experience and

and approbation; for that experience which your Highneſs mentioned to have been of other Titles, and the due adminiſtration of Juſtice under them, this experience is far ſhort of the other, and for the courſe of Juſtice, we have cauſe to thank that care which plac'd ſo Good Judges and Officers over us; yet give me leave to ſay, that in private cauſes between Party and Party and in publick matters, in nominal cauſes, it was not eaſy to find juſtice to be done by ſome Jurors: and many queſtions have riſen upon the occaſion of thoſe new Titles, concerning that tender point of good mens ſatisfaction: I think it requires a very great regard from us, and I doubt not but thoſe good people will be fully ſatisfied, if they conſider the covenants, promiſes and precepts, which in the Scriptures are annext to the name of *King*; and although ſome have alledged, that they belong to any chief Magiſtrate as well as to *King*: yet no man did ever read the Original word tranſlated otherwiſe than *King*, neither do I find the preſent Title once mentioned in the holy Text; if the preſent authority be a lawful authority, which I hope none of us will deny, ſurely thoſe good men, who are ſo well principled in godlineſs, will not forget that precept of ſubmiſſion to authority, and to be ſatisfied with that which lawful authority ſhall ordain. Their Rights and Liberties are the ſame with ours, and the Parliament cannot adviſe any thing for the preſervation of the peoples Rights, but theſe good men are included, which I hope will be no diſatisfaction to them in all the changes which we have ſeen: there hath been a diſſatisfaction to ſome, yet ſtill the bleſſing of God hath gone along through all theſe changes, with thoſe who carried on his intereſt and the cauſe being the ſame, the ſame mercies have been continued, and I doubt not but if the intended

tended change or rather reſtitution be made, as I hope it will, I doubt not but the ſame God will continue his bleſſings to that good old cauſe, wherein we are engaged; and that good men receive ſatisfaction by it. Your Highneſs hath been told that the Title of *King* is upon the foundation of Law, and that a new Title muſt have a conſtitution to make the Laws relate unto it, and that unto the Laws; I ſhall only add this, that a Title by relation is not ſo certain and ſafe, as a Title upon the old foundation of the Law; and that a Title upon a preſent ſingle conſtitution as any new Title muſt be, cannot be ſo firm, as a Title both upon the preſent conſtitution and upon the old foundation of the Law likewiſe, which the Title of *King* will be; if any inconvenience ſhould enſue upon your acceptance of this Title which the Parliament adviſeth, your Highneſs ſatisfaction will be, that they did adviſe it.

On the contrary part, if inconvenience ſhould ariſe upon your Highneſs refuſal of this Title which the Parliament hath adviſed, your burden will be the greater. And therefore whatſoever may fall out will be better anſwered by your Highneſs complying with your Parliament, than otherwiſe. This queſtion is not altogether new, ſome inſtances have been given of the like, (to which I ſhall add two or three) the *Titles* of the Kings of *England*, in the Realm of *Ireland*, was Lord of *Ireland*. And the Parliament in the 33. year of *Hen.* 8. reciting that inconveniences did ariſe there by reaſon of that Title did enact that *Hen.* 8. ſhould aſſume the *Stile and Title of King of Ireland*, which in the Judgement of this Parliament was preferred before the other. In the State of *Rome*, new Titles proved fatal to their liberties.

Their

Their case was not much unlike ours, they were wearied with a civil War, and coming to a settlement, *Cuncta discordiis civilibus fessa nomine principis, sub imperium accepit*, some would not admit the Title *Rex* to be used, but were contented to give the Titles of *Cæsar, perpetuus Dictator, Princeps, Senator, Imperator. Non sum Rex sed Cæsar*, came at last to this, *Voluntas Cæsaris pro lege habeatur*, the Northern people wers more happy amongst themselves; a private Gentleman of a noble family took up arms with his Countrey-men against a Tyrant, and by the blessing of God rescued their native liberties, and rights of their Country from the oppression of that Tyrant. This Gentleman had the Title of *Marshall* given unto him, which continued for some years. Afterwards their Parliament, judging it best to resume the old Title, elected this Gentleman to be their *King*; and with him was brought in the liberty of Protestant Religion, and the establishment of the civil rights of that people, which have continued in a prosperous condition ever since unto this day. Sir, I shall make no other application but in my prayers to God to direct your Highness and the Parliament (as I hope he will) to do that which will be most for his honour and the good of his people.

The Lord Protectors Speech.

April 26. 1657.

I Have as well as I could considered the Arguments used by you the other day, to inforce the conclusion that refers to the name, and Title that was the Subject matter of the debates, and conferences that have been between us, I shall not now spend your time, nor my own much in repeating those Arguments, and in giving an-

anſwers to them, although (indeed) I think they are but the ſame that they were formerly, only there were ſome additional inforcements of th oſe arguments by new inſtances, I think truely after the rate of Debate, I may ſpend your time, which I know is very precious, and unleſs I were a ſatisfied perſon: the time would ſpinne out and be very unprofitable ſpent, ſo it would; I onely muſt ſay a word or two to that, that I think was new. What comes from the Parliament in the exercíſe of the legiſlative power, which this is, I underſtand it to be an exercíſe of the leg ſlative power, and the laws were always formerly paſt this way, and that of Bills was of a newer date; I underſtand that, I ſay, but it is ſaid that was, is done by the Parliament now, and ſimply hangs upon their legiſlative, ſeems to be a thing that is *ex dono*, not *de jure*, not a thing that is of ſo good weight, and ſo ſtrong, as what reſers from them to the law that is already in being. I confeſs there is ſome argument in that that is there, but if the ſtrength will be as good without it, though it comes as a gift from you, I mean as a thing that you provide for them, or elſe it will never come at them, ſo in a ſenſe it comes from you, it is that, that they otherwiſe come by; therefore in a ſenſe it is *ex dono*, for that helps a man to what he cannot otherwiſe come by, he doth an act that is very near a gift, and you helping them to it, it is in a kind a gift to them; otherwiſe they could not have it, but if you do it ſimply by your legiſlative power, the queſtion is not, what makes this more firm, whether the manner of the ſetling of it, or the manner of your doing of it, it's always as great a labour; but yet the queſtion lies in the acception of them, who are concerned to yield obedience and accept this, and therefore if a thing that hath for its root and foundation but your leg ſlative

in an act of yours, if I may put a but to it, I do not do ſo, for I ſay it is as good a foundation, as that other is, and if it be as well accepted, and that the other be leſs then truely it is, I ſhould think the better and then all that I ſay is founded upon the law: I ſay all thoſe arguments that are founded in the law are for it, becauſe it hath been ſaid it doth agree with the law, the law knows the Office, the law knows the people knows it; and the people are likelier to receive ſatisfaction that way: thoſe have been arguments that have been already, and truely I know nothing that I have to adde to them, and therefore I ſay alſo thoſe arguments may ſtand as we found them, and left them already; onely this I think truely, as it hath been ſaid to me, I am a Perſon that have done that, that never any that were actually King of *England* refuſed: the advice of the Parliament I confeſs that runs to all, and that may be accounted a very great fault in me, and may ariſe up in Judgement againſt me another time, if my caſe be not different from any mans that was in the chief command and government of theſe Nations that ever was before, & truely I think it is they that have been in, and owned to be in the right of the law, as inheritours coming to it by birthright, or otherwiſe by the authority of Parliament, who yet have had ſome previous pretence of Title, or claim to it; I think (under favour) I deſerve leſs blame than another doth, if I cannot ſo well comply with the Title, with the deſires of the Parliament in it, as others do, for they that are in, would take it for an injury to be out it; truely theſe arguments are very ſtrong to them, why they ſhould not refuſe that, that is tendred to them by the Parliament: but I have dealt plainly with you, and I have not complemented with you, I have not de-

fired,

ſired, I have no Title to the Government of theſe Nations, but what was taken up in a caſe of neceſſity, and temporary, to ſupply the preſent immergency, without which we muſt needs, I ſay we had been all after the rate of the printed book, and after the rate of thoſe men, that have been taken, going into arms, if had not been taken; it was as viſible to me as the day, if I had not undertaken it, and ſo it being put upon me, I being then Generall, as I was Generall by act of Parliament being upon me to take power in my hand, after the aſſembly of men that was called together had been diſſolved. Really the thing would have iſſued it ſelf in this Book, for as I am informed the Book knows an Authour; it was a leading principall Perſon in that Aſſembly, when now I ſay, I ſpeak in the plainneſs and ſimplicity of my heart, as before Almighty God, I did out of neceſſity undertake that, that no man I think would have undertaken but my ſelf, it hath pleaſed God that I have been inſtrumental to keep the peace of the Nation to this day, and to keep it under a Title that ſome ſayes ſignifies but a keeping it to anothers uſe, to a better uſe, that may improve it to a better uſe; and this I may ſay, I have not deſired the continuance of my power or place, either under one Title or other, that have I not, I ſay it, if the wiſdome of the Parliament, could find where to place things ſo as they might ſave this Nation, and the intereſts of it; the intereſt of the people of God in the firſt place, of thoſe godly honeſt men, for ſuch a Character I reckon them by, and live in the fear of God and deſire to hold forth the excellency and Chriſtian courſe in their life and Converſation; I reckon that proceeds from faith, and looking to the duties towards Chriſtians, and

to the humanity to men as men, and to ſuch liberties and intereſts, as the people of this Nation are of, and look upon that as a ſtanding truth of the Goſpel, and who lives up to that, according to that, is a godly man in my apprehenſion; and therefore, I ſay, if the wiſdom of this Parliament, I ſpeak not this vainly nor like a fool, but as to God; and if the wiſdome of this Parliament, ſhould have found a way to ſettle the intereſts of this Nation, upon the foundations of Juſtice and truth, and liberty, to the people of God, and concernments of men as Engliſh men, I would have layn at their feet, or any bodies feet elſe, that this might have run in ſuch a currant; and therefore I ſay I have no pretentions to things for my ſelf, or to ask this or that, or to avoid this or that; I know the cenſures of the world may quickly paſs upon me, but I thank God I know not where to lay the weight that is laid upon me; I mean the weight of reproach and contempt and ſcorn, that hath been caſt upon me, I have not offered you any name in competition with *Kingſhip*. *I* know the evil ſpirits of men may eaſily obtrude upon a man, that he would have a name that the law knows not, and that is boundleſs, and is that under which a man exerciſes more arbitrarineſs; but *I* know there is nothing in that argument, and if it were in your thoughts to do any of that kind, *I* think whatſoever it was, it would bound it, and limit it ſufficiently: *I* wiſh it were come to that, that no favour ſhould be ſhewed to me, but that the good of theſe Nations might be conſulted, as *I* am confident they will be by you in whatſoever you do; but *I* may ſay this in an anſwer to that, that doth a little pinch upon me, and the more when *I* am told it is my duty. *I* think it can be no mans duty, nor obligation, but between God and himſelf, if he be conſcious of his own infirmities, diſſabilities, and

weak-

weakneſſes; and that he is not able perhaps to encounter with, (although he may have a little faith too, for a little exerciſe) I ſay I do not know which way it can be imputed to me for a fault, or laid upon me as a duty, except I meant to gripe at the government of the Nations without a legal conſent, which I ſay I have done in times paſt, upon principles of neceſſity, and I promiſe, I ſhall think whatever is done without Authority of Parliament, in order to ſettlement, will neither be very honeſt, nor yet that, that I underſtand. I think we have fought for the Liberties of the Nation, as well as for other Intereſts: you will pardon me, that I ſpeak theſe things in ſuch a way as this is, I may be born withal, becauſe I have not truely well born the exerciſe that hath been upon me now theſe three or four days, I have not I ſay; I have told you my thoughts, and have laid them before you, you have been pleaſed to give me your grounds, and I have told you mine; and truely I do purpoſely refuſe to mention thoſe arguments were uſed when you were laſt here, but rather tell you, what ſince *I* tell you lies upon my heart out of the abundance of difficulty, and trouble that lies upon me, and therefore you haveing urged me, *I* mean offered reaſons to me and urged them with ſuch grounds as did occur to you, and having told you the laſt time *I* met you, that the ſatisfaction of them did not reach to me, ſo as wholly to convince my Judgement of what was my duty: *I* have thought rather to anſwer you with telling you my grief, and the trouble *I* am under; and truely, my intentions and purpoſes they are honeſt to the Nation, and ſhall be by the Grace of God, and *I* cannot tell how upon collateral pretences

to cut towards things that will be destructive to the liberties of this Nation: any man may give me leave to die, and every body may give me leave to be as a dead man, when God takes away the spirit, and life, and activity that is necessary for the carrying on such a work; and therefore I do leave the former Debates as they were, and we had them, letting you know that I have looked a little upon the paper, the Instrument, I would say in the other parts of it, and considering that there are very many particulars in the instrument, some of the general, of reference, others specified, and all of weight, (let the Title be what it will be) of weight to the concernment of the Nations. I think I may desire that those may be such as what they be applied to, either one thing or another, they might be such as the people have no cause, as I am confident your care and faithfulness needs neither a spurre, nor any admonition to that: I say (reading in your order, by order of Parliament for the Committee) that there are divers particulars that are, that if I do make any scruple of them, I should have the freedom with this Committee to cast my doubts, the truth of it is, I have a paper here in my hand, that doth contain divers things, with relation to the instrument, that I hope have a publick aspect with them, therefore I cannot presume but they will be very welcome to you, therefore I shall desire that you will read them. I should desire, if it please you, that liberty (which I submit to your judgement, whether you think I have it or no) that I might tender these few things, and some others that I have in preparation, and truely I shall reduce them to as much brevity as I can; they are too large here, and if it please you to morrow

in

in the afternoon at three of the clock I may meet you again, and I hope we ſhall come to know one anothers minds, and ſhall agree to that, that ſhall be to the Glory of God, and the good of theſe Nations.

The Lord Protector, April 21. 1657.

My Lord,

I Think you may well remember what the iſſue was of the laſt conference I had with you, and what the Stick was then, I confeſs I took occaſion from the order of Parliament, in which they gave you power to ſpeak with me about theſe things that were in the body of that inſtrument and deſire, which you have been pleaſed to ſpeak with me; but that I might conferre with you about thoſe particulars, and might receive ſatisfaction from you as to them, whether a good iſſue will be to all theſe affairs or no, is onely in the hands of God, that's a great ſecret, and ſecrets belong to God, and things revealed to us, and ſuch things are the ſubject matter of this inſtrument of yours, and are as far as they may, have relation to me, that you and I may conſider, what may be for publick good, that ſo they may receive ſuch an impreſſion as can humanely be given to them. I ſhould be well underſtood, and that I ſay the former debates and conferences have been upon the Title, and that reſts as it did, ſeeing that, as I ſaid before, your order of Commitment, doth as well reach to the particulars contained in the inſtrument, as to that of the *Title*, I did offer to you that I ſhould deſire to ſpeak with you about them alſo, that ſo we may come to an under-

ſtanding one with another, not what the things is in parts, but what it is in the whole conduceable to that end, that we all ought to aim at, which is a general ſettlement upon good foundations; as truely, as I have often ſaid even to the Parliament it ſelf, when they did the honour to me, to meet me in the Banqueting-Houſe, ſo I muſt ſay to you, that are a Committee, a very conſiderable repreſentation of them, that I am hugely taken with the word ſettlement, with the thing, and with the notion of it, I think he is not worthy to live in *England* that is not, no, I will do my part ſo far as I am able, to expell that man out of the Nation, that doth not of that in the general to come to a ſettlement, becauſe indeed it is the great miſery and unhappineſs of a Nation to be without it; and it is like a Houſe, and ſo much worſe then a Houſe divided againſt it ſelf, it cannot ſtand without ſettlement; and therefore I hope we are all ſo far at a good point, and the Spirit of the Nation, I hope in the generality of it, is ſo far at a good point, we are all contending for a ſettlement, that's ſure; but the queſtion is *de modo*, and of thoſe things that will make it a good one if it were poſſible: that's no fault to aim at perfection in ſettlement, truely I have ſaid, and I ſay it again, that I think that that tends to the making of the Nation, to injoy the things we have declared for, and I would come upon that iſſue with all men or any man; the things we have declared, that have been the ground of our quarrelling and fighting all along, is that will accompliſh the general work; ſettlemeet is the general work, now that which will give the Nation to enjoy their civil and Religious Liberties, that will conſerve the Liberty of every man, and not to rob any man of what is juſtly his; I think thoſe two things make up ſettlement;

I

I am ſure they acquit us before God and man, who have endeavoured as we have done, through ſome ſtreamings of bloud to attain that end, if *I* may tell you my experience in this buſineſs, and offend no good man that loves the publick before that which is perſonall, truly *I* ſhall a little ſhortly recapitulate to you what my obſervations, and endeavours and intereſt hath been to this end, and *I* hope no man that hath been interreſted in tranſactions all along, will blame me, if *I* ſpeak a little plainly, and he ſhall have no cauſe to blame me, becauſe *I* will take my ſelf into the number of culpable perſons, if there be any ſuch, though perhaps apt enough out of the ſelf love *I* have, to be willing to be innocent, where *I* am ſo, and yet to be as willing to take my reproach, if any body will lay it upon me where *I* am culpable; and truely *I* have through the providence of God, endeavoured to diſcharge a poor duty, having had as *I* conceive a clear call to the ſtation *I* have acted in all theſe affairs, and I believe very many are ſufficiently ſatisfied in that, I ſhall not go about to ſay any thing to clear it to you, but muſt exerciſe my ſelf in a little ſhort Chronology to come; to that I ſay is really all our buſineſs at this time, and the buſineſs of this Nation to come upon clear grounds; and to conſider the providence of God, how they have led us hither unto. After it pleaſed God to put an end to the War of this Nation, a final end which was done at *Worſter* in the determination and deceſſion that was there by the hand of God, for other War we have had none, that perhaps deſerves the name of War, ſince that time, which is now ſix years in *September*, I came up to the Parliament that then was, and truely I found the Parliament, as I thought, very diſpoſed, to put a good iſſue to all thoſe tranſactions that had been in the Nation, and I rejoyced at it, and thought I had not been well skilled in Parliamne-

mentary affairs, having been near ten year in the field, yet in my poor measure my desires did tend to some issue, believing verily that all the Blood that had been shed, and all that distemper that God had suffered to be amongst us, and in some sence God hath raised amongst us, that surely fighting was not the end, but the means that had an end, and was in order to somewhat, truly it was then, I thought settlement, that is that men might come to some consistencies, and to that end I did endeavour to add my mite, which was no more, then the interests of any one Member that was there, after I was returned again to that capacity, and I did, I shall tell you no fable, but the things that divers persons here can tell, whether I say true or no: I did endeavour it, I would make the best interpretation of this, but yet this is truth, and nothing of discovery on my part, but that which every body knows to be true, that the Parliament having done these memorable things, that they had done things of honour, and things of necessity, things that if at this day you have any judgment, that there lyeth a possibilitie upon you to do any good, to bring this Nation to any foot of settlement, I may say you are all along beholden to them in a good measure, but yet truly as men that contend for publick interest are not like to have the applause of all men, nor justification from all hands, so it was with them; and truly when they had made preparation that might lead to the issuing in some good for the settlement of these Nations in points of libertie and freedom, from Tyranny and oppression, from the hazard of our Religion, to throw it away upon me that designed by innovations to introduce Poperie, and by complying with some Nations introduce arbitrarines upon a civil account, why they had more enemies then friends, they had so all along, and this made them

them careful out of Principals of nature, that do ſometimes ſuggeſt beſt, and upon the moſt undeniable grounds they did think that it was not fit for them preſently to goe and throw themſelves, and all this cauſe into hands that perhaps had no heart nor principle with them to accompliſh the end that they aimed at, I ſay perhaps through infirmity they did deſire to have continued themſelves and to have perpetuated themſelves upon that Act which was perhaps juſt enough obtained, and neceſſarily enough obtained when they did get it from the *King*, though truly it was good in the firſt obtaining of it, yet it was by moſt men, who had ventured their lives in this cauſe, judged not fit to be perpetuated, but rather a thing that was to have an end, when it had finiſhed it's courſe, which was certainly the true way of it, in the ſubſerviency to the bringing in that which might be a good and honeſt ſettlement to the Nation. I muſt ſay to you that I found them very willing to perpetuate themſelves, and truly this is not a thing of reflection upon all, for perhaps ſome were not ſo, I can ſay ſo of ſome of them, the ſober men that I had converſe with, they would not have, but the major part I think did over rule, in that they would have continued; this is true that I ſay to you, I was intreated to it, and adviſed to it, and was by this *medium* to have accompliſht it, that is to have ſent into the Countrey to have reinforced their number, and by new elections to have filled them up, and this excuſe it had, it would not be againſt the libertie of the people, nor againſt the ſucceſſion of men to come into Rule and Government, becauſe as men dyed out of the houſe, ſo they ſhould be ſupplyed, and this was the beſt anſwer could be given to that objection that was then made,

mide, that the beſt way to govern, is to have men ſucceſſive, and in ſuch great bodies as Parliaments, to have men to learn to know, how to obey as well as to govern, and truely the beſt expediment that we had then was, that I tell you, the truth of it is, this did not ſatisfie a company of poor men, that had thought they had returned their lives, and had ſome thoughts, that they had a little intereſt to enquire after theſe things, and the rather becauſe really they were invited out, upon principles of honeſty, conſcience and religion, for ſpiritual liberties, as many as would come, where the cauſe was a little doubtful, there was a declaration that was very inviting, and men did come in upon that invitation, and did thereby think themſelves not to be mercenary men, but men that had Wives and Children in the Nation, and therefore might a little look after a ſatisfaction in what would be the iſſue of the buſineſs, and when this thing was thus preſt, and it may be over preſt, that a period might be put, and that, that might be aſſertained, and a time fixt, why truely, then the extremity ran another way, this is very true that *I* tell you, though it ſhame me, *I* do not ſay it ſhames all that were of the Houſe, for *I* know all were not of that mind, why truely when this was urged, then another extremity; what was that? why truely then it was ſeeing a Parliament might not be perpetual, the Parliament might always be ſitting, and to that end there was a Bill framed, that Parliaments might always be ſitting, that as ſoon as one Parliament went out of their place, another might leap in, and when we ſaw this, truly we thought we did but make a change in pretence, and did not remedy the thing, and then upon that was purſued with that great heat, *I* dare ſay there was more progreſs in it in a month, then was with the like buſineſs in four, to haſten it to an iſſue, that ſuch a Parliament might be brought in, and wou'd bring

bring the ſtate of the Nation into a continual ſitting of Parliaments: we did think, who are plain men, and *I* think it ſtill, that that hath been according to the fooliſh proverb, out of the frying pan into the fire, for looking at the Government, they would then have, it was Commonwealths Government? why we ſhould have had fine work then, we ſhould have had a Council of State, and a Parliament of 400 men, executing arbitrary Government without intermiſſion ſaving of one Company, one Parliament ſtepping into the ſeat of another, while they left them warm, the ſame day that one left, the other was to leap in, truly *I* did think, and *I* do think, however ſome are very much enamoured with that kind of Government, why it was no more but this, that Committees of Parliament ſhould take upon them, and being inſtead of the Courts at *Weſtminſter*, perhaps ſome will think there had been no hurt in that arbitrarineſs in Committees, where a man can neither come to prove nor defend, nor to know his Judges, becauſe there are one ſort of men that judge him to day, and another ſort of men to morrow, this ſhould have been the Law of *England*, and this ſhould have been the way of judging this Nation, and truly *I* thought that, that was an ill way of judging, for *I* may ſay to you with truth to that after it pleaſed God your poor Army thoſe poor contemptible men came up hither, it was ſo, an outcry here in this place to ſee a cauſe here, determined and judged, and Committees erected to fetch men from the extreameſt parts of the Nation to *London* to attend Committees to determine all things, and without any manner of ſatisfaction, whether a man travel never ſo right or wrong he muſt come, and he muſt go back again as wiſe as he came, this truly was the caſe and our condition, and truly *I* muſt needs ſay, take all in that was in the practices, *I* am ſorry to tell the ſtory of it, though there was

indeed

indeed ſome neceſſity of the buſineſs, a neceſſity of ſome Committees to look to indemnity, but no neceſſity of Committees inſtead of Courts of Juſtice, but it was ſo, and this was the caſe of the People of *England* at that time: and that the Parliament aſſuming to it ſelf the authority of the three Eſtates that were before, it was ſo aſſuming that authority, and if any man would have come and ſaid what are the rules you judge by? Why, we have none but we are ſupream in legiſlature, and in judicature, this was the ſtate of the caſe & I thought, & we thought, & I think ſo ſtill, that this was a pityful remedy, and it will be ſo while and whe.. ſoever a legiſlature is perpetually exerciſed, when the legiſlative and the executive powers are always the ſame, and truly I think the legiſlature would be almoſt as well in the four Courts of *Weſtminſter* Hall, and if they could make laws and judges too, you would have excellent laws, and the lawyers would be able to give excellent counſel, and ſo it was then: this was our condition without ſcruple and doubt, and I ſhall ſay no more to it, but truly it was offered then truly and honeſtly; and deſire, and begg that we might have a ſettlement, and that now is here, that is propoſed a ſettlement: it was deſired then, it was offered & deſired that the Parliament would be pleaſed either of their own number, or any elſe to chuſe a certain number of men to ſettle the Nation, this is unſettlement, this is confuſion: for give me leave, if any body now have the face to ſay, and I would die upon this, if any man in *England* have the impudence or the face to ſay, that the exceptions of the Parliament was the fear of their haſty throwing of the liberties of the people of God and the Nation into a bare repreſentative of the people, which was then the buſines we oppoſed, if any man have the face to ſay it now, that did then, or I will ſay more, ought then to judge it had been a confounding of the whole

whole cauſe, that we had fought for, which was, I would look upon that mans face, I would be glad to ſee ſuch a man, I do not ſay there is any ſuch here, but if any ſuch ſhould come to me, ſee if I would not look upon him and tell him he is an hypocrite. I dare ſay it, and I dare to die for it, knowing the *Spirit* that hath been in ſome men to me, they come and tell me they do not like my being *Protector*. Why do you not? Why? becauſe you will exerciſe arbitrary Government, why what would you have me to do? Pray turn Gentlemen all again, and we will like you exceeding well, I was a child in its ſwadling clouts I cannot tranſgreſs by the Government, I cannot do nothing but in ordination with the Council, they feared arbitrary Government by me upon that account, but if returned to be General, then they were not affraid of Arbitrary Government: ſuch as theſe, are ſuch hypocriſies as theſe are, ſhould they enter into the heart of any man that hath any truth or honeſty in him, and truely that is our caſe, and finding our caſe to be thus, we did preſs the Parliament as I told you, that they would be pleaſed to ſelect ſome worthy perſons, that had loved this cauſe and the Liberties of *England*, and the intereſt of it; and we told them, we could acquieſce and lie at their feet, but to be thrown into Parliaments, that ſhould ſit perpetually, though but for three years they had the experience of.

The experience of which many remain to this day to give ſatisfaction to honeſt and ſober men, why truly we thought it might ſatisfie, but it did not, and thereupon we did think that it was the greateſt of dangers, to be overwhelmed and brought under a ſlavery by our own conſent, and iniquity to become a law: and there was our ground we acted upon at that time, and truly they had perfected the Bill for perpetuating of Parliaments to the laſt clauſe, and were reſolved to

paſs

paſs it as a Bill in paper, rather than comply with any expedient, if your own experience add any thing to you in this, in this point, whether or no in caſes civil and criminal, if a Parliament ſhould aſſume an abſolute power, without any controul, to determine the intereſts of men in property & liberty, whether or no this be deſirable in a Nation: if you have any ſence, as I believe you have, you have more then I have. I believe you will take it for a mercy that, that did not befall *England* at that time, and that's all I will ſay of it, truly I will now come and tell you a ſtory of my own weakneſs and folly, and yet it was done in my ſimplicity, I dare avow it was, and though ſome of my companions and tru'y this is a ſtory that would not be recorded a ſtory, that would not be told, but when good uſe may be made of it. I ſay it was thought then, that men of our judgment, that had fought in the Wars, and were all of a piece upon that account, why ſurely theſe men will hit it, and them Men will do it to the purpoſe whatever can be deſired, truly we did think, and I did think ſo, the more to blame of, and ſuch a Company of Men were choſe and did proceed in action, and truly this was the naked truth, that the iſſue was not anſwerable to the ſimplicity and honeſty of the deſign, what the iſſue of that meeting would have been, and was feared, upon which the ſober Men of that meeting did withdraw, and came and returned my Power as far as they could, they did actually the greater part of them into my own hands, profeſſing and believing that the iſſue of that meeting would have been the ſubverſion of your Laws, and of all the Liberties of this Nation, the deſtruction of the Miniſters of this Nation. In a word, the confuſion of all things and inſtead of order, to ſet up the judicial law of *Moſes*, in abrogation of all our Adminiſtrations, to have been adminiſtred the

Judi-

Judicial Law of *Moſes*, *pro hic & nunc*, according to the wiſdom of any man that would have interpreted the Text, this way or that way, and if you do not believe that they were ſent home by the major part, who were judicious and ſober and learned, the worſt upon this account and with my conſent alſo *à parte poſt*, you will believe nothing, for the perſons that lead in the meeting where Mr. *Feake* and his meeting in *Black fryars*, Major General *Harriſon*, and thoſe that aſſociated with him at one Mr. *Squibbs* Houſe, and there were all the reſolutions taken that were acted in that Houſe day by day, and this was ſo *de facto*, I know it to be true, and that this muſt be the product of it, I do but appeal to that Book, I told you of the other day that all Magiſtracy, and Miniſtery is Antichriſtian, and therefore all theſe things ought to be aboliſhed, which we are certain muſt have been the iſſue of that meeting, ſo that you have been delivered if I think right, from two evils; the one evil a ſecular evil, that would have ſwallowed up all religious and civil intereſt, and made us under the horrideſt arbitrarineſs that ever was exerciſed in the world, that we might have had five or ſix hundred friends, with their friends, to have had a judgment of all cauſes, and to have judged without a rule, thinking that the power that ſwallowed up all the other lawful powers in the Nation, hath all the power that ever they had, both a legiſlative and judiciarie, I ſay that which ſwallows both the civil and religious intereſt. And the other meerly under a ſpiritual intereſt, had ſwallowed up again in another extream, all our civil and religious intereſt, and had made our miniſtrie, and all the things we are beholding to God for: truly we think we ought to value this intereſt, above all intereſts in the world, but if this latter had not been as ſure deſtroyed as the former, I underſtand nothing,

and having told you these two things, truly I must needs say, it makes me in love with this Paper, and with all things in it, and with these additions, that I have to tender to you, and with settlement above all things in the world, except that where I left you the last time, and for that I think we have debated: I have heard your mind, and you have heard mine, I have told you my heart and my judgment, and the Lord bring forth his own issue, I think we are now to consider not what we are on the foot, and of the Government that called this Parliament, which till there be an end put to it, is that that hath existence, and *I* shall say nothing to that, if that accomplisheth the end of our fighting, and all those blessed and good ends that we should aim at, if it do *I* would we might have that, and remain where we are, if it doth not, *I* would we might have that which is better, which truly *I* now come out of my self to tell you, that as to the substance and body of your instrument *I* do look upon it as having things in it (if *I* may speak freely and plainly) *I* may, and we all may, *I* say the things that are provided for in this Government have the Liberties of the people of God, so as they never had it, and he must be a pitiful man that thinks the people of God ever had that Liberty, either *de facto*, or *de jure*, that is to say, *de jure*, from God; *I* think they have had it from the beginning of the World to this day, and have it still but asserted by a *jus humanum*; I say they never had it so, as they have it now, and *I* think you have provided for the Liberty of the people of God and of the Nation, and *I* say he sings sweetly that sings a Song of reconciliation betwixt these two interests, and it is a pityful fancy, and wisdome, and ignorance to think they are inconsistent, and may consist, and *I* speak my conscience in this

this Government, *I* think you have made to conſiſt; and therefore I muſt ſay in that and in other things you have provided well, that you have; and becauſe I ſee the root of the Parliament gives you leave to ſpeak with me about the particulars. I think the Parliament doth think, that any Member they have is not to be neglected in offering of any thing that may be of additional good, and upon that account I having a little ſurveyed the inſtrument, I have a paper here to offer to you upon that account, and truly I muſt needs ſay and think, that in ſuch a caſe as this where ſo new a work, and ſo ſtrange a work as this that is before you, it will not be thought ill of. I do with a little earneſtneſs preſs to you ſome explanations in ſome that may help to contemplate, and leave me; for it is only handled with me, this tranſaction is onely handled with me at this time which you and the Parliament, whom you repreſent. I ſay I would be glad that you might leave me and all oppoſers without excuſe, as well as that I could wiſh that you ſhould ſettle this Nation to the uttermoſt good of it, in all things I have to offer to you, they are not very weighty, they may tend to the complexion of the buſineſs, and therefore I ſhall take the freedom to read them to you.

In the fourth Article and ſecond Paragraph you have ſomething under that head that reſpects the calling of Members to Parliament, you wou'd not exclude thoſe that (were under Duke *Hamilton*) made that Invaſion, becauſe it hath been ſaid to you perhaps, that if you exclude all, you ſhall have no Members from *Scotland*, I hope there be perſons of that Nation, that will be ready to give a better Teſtimony of their Country than to admit of that argument, & I hope

it is none, but if it be one, then truly to meet with the leaſt upon that certainty of the qualifications, you ſhould indeed exclude men of your own Countrey perhaps upon better crimes, and hold them of upon ſtricter Characters; it is thought that that qualification that ſaith, that the teſtimonie that they ſhall have, *that they are men that have given good teſtimony in their peaceable and quiet living*, why truly for divers years, they have not been willing to do other, they have not had an eaſie poſſibility to do otherwiſe; to live unquietly, though perhaps have been the ſame men many of them; though I know many of them are good men, worthy men, and therefore whether it be not fit, in that place to explain ſomewhat elſe, and put ſome other Character upon it, that may be accounted a good teſtimony, of their being otherwiſe minded, and of their being of another judgment, I confeſs I have not any thing here to ſupply it with, but certainly if it ſhould be ſo, as it is in your article, though they be never ſo indiſpoſed and enemies and remain ſo, yet if they have lived peaceably, where they could neither will nor chuſe, they are to be admitted; I only tell you ſo, being without any amendment for it, and when I have done I ſhall offer the whole to you, this is the ſecond Paragraph.

In the third Paragraph of the ſame Article, whereas it is ſaid that the perſons in *Ireland be made uncapable, to elect or be elected, that before the firſt of* March 1649. *have born Armes for the Parliament, or otherwiſe given teſtimony of their good affections, and continued faithful to the Parliament, and are ſince revolted*, whether it be not neceſſary that it be more clearly expreſt, it ſeeming to capacitate all thoſe who have revolted from the Parliament, if they have born armes for the State before

before the first of *March* 1649. it seems to restore them, but if since then they have revolted, as many I doubt of our *English-Irish* have done, why then the question is, whether these men, who have lately been angry and fled to armes, whether you will think their having born armes formerly on the Parliaments side, should be an exemption to them, that is but tendered to you that some worthy person here will give an answer unto.

In the fifth Paragraph of the same Article you have incapacitated publick Preachers from sitting in Parliament, and truly I think that your intention is such as have Pastoral function, such as are actually and real Ministers, for I must say to you in the behalf of our Armie, in their next place to their fighting, they have been very good Preachers, and I thou'd be sorry they should be excluded from serving the Commonwealth, because they have been accustomed to preach to their Troops, Companies, and Regiments, which I think have been one of the best blessings upon them, to the carrying on of the great work. I think you do not mean so, but I tender it to you, that if you think fit there may be a consideration had of it; there may be some of us, it may be, that have been a little guilty of that, that would be loth to be excluded from sitting in Parliament. In the same Paragraph there is care taken for the nominating Commissioners to try the Members which are chosen to sit in Parliament, and truly those Commissioners are uncertain Persons, and it is hard to say what may happen, I hope they will be alwaies good men, but if they should be bad, then perhaps they will keep out good men: besides we think, truly if you will give us leave to help, as to the

ſreedom of the Parliament, it will be ſomething that will go rather harſhly down, than otherwiſe, very many reaſons might be given, but I do but tender it to you, I think if there be no Commiſſioners, it would be never a whit the worſe, but if you make qualifications, if any man will preſume to ſit without thoſe qualifications you may deal with them; A man without qualifications ſitting there, is as if he be not choſe, and if he ſit without being choſen, and ſo without a qualification, I am ſure the old cuſtom was to ſend him to the Tower, to impriſon ſuch a one, if any one ſit there, that have not right to ſit there, if any ſtranger come in upon his pretended Title of election, then perhaps it was a different caſe, if any ſit there upon pretence of a qualification upon him, you may ſend him to Priſon without any more adoe; whether you think fit to do ſo or no, it is Parliamentary buſineſs, I do but hint to you, I believe if any man had ſat in former Parliaments, that had not taken the oathes preſcribed, it would have been a fault enough, &c. I believe ſomething of that kind, would be equivalent to any other way, if not better. In that Article which I think is the fifth Article, which concerns the nomination of the other Houſe, in the beginning of that Article, it is that the Houſe is to be nominated as you deſign it, and the approbation is to be from this Houſe, I would ſay to be from the Parliament, it is ſo; but then now, if any ſhall be ſubſequently named after this Houſe is ſat, upon any accidentall removall or death, you doe not ſay, though it ſeems to refer to the ſame that the firſt election doth, yet it doth not refer clearly to this, that the nomina-

tion

tion ſhall be, where it was in the chief Officer, and the approbation of the other Houſe, if I do expreſs it clearly that you pardon me in, but I think that is the aim of it, it is not clearly expreſt there as I think you will be able to judge whether it be or no.

In the 7. Article that which concerns the revenue, that is the revenue that you have appointed to the Government, which you have diſtributed 300000 *l.* of it to the maintenance of the civil Authority 1000000 *l.* to be diſtributed to the maintenance of your Forces by Sea and Land, you have indeed ſaid it in your inſtrument, and we cannot doubt of it, but yet you have not made it certain, nor yet thoſe temporary ſupplies which are intended for the peace and ſafety of the Nations. It is deſired that you will take it into your thoughts, and make both thoſe certain, both as to the ſum and time, that thoſe ſupplies ſhall be continued, and truly I hope I do not curry favour with you, but it is deſired, and I may very reaſonably deſire it, that theſe monies whatever they are, that they may not if God ſhall bring me to any intereſt in this buſineſs, which lyeth in his own power, that theſe monies may not be iſſued out, by the Authority of the chief Magiſtrate, but by the advice of his Councel, ſeeing you have in your inſtrument made a coordination in general terms, that this might be a reſerved thing, that the monies might not be diſtributed, it will be a ſafety to whomſoever is your ſupream Magiſtrate, as well as ſecurity to the publick, that the monies might be iſſued out by the advice of the Councel, and that the Treaſurers that receive this money, may be ac-

countable every Parliament, within a certain time limited by your ſelves every new Parliament the Treaſurer may be accountable to the Parliament for the diſpoſing of the Treaſury, and there is mention made of the Judges in the 9. Article. It is mentioned that the Officers of State, and the Judges are to be choſen by the approbation of the Parliament, if there be no Parliament ſitting, if there be never ſo great a loſs of Judges it cannot be ſupplied, and whether you do not intend, that it ſhould be by the choice with the conſent of the Counſel in the intervals of Parliament to be afterwards approved by Parliament.

The 12. Article relates to ſeveral qualifications, that perſons muſt be qualified with, that are put into places of publick Office and Truſt, now if men ſhall creep into publick Places and Truſt, that are not ſo qualified they may execute it, an Office of Truſt is a very large word, it goeth to almoſt a Conſtable, if not altogether, it goeth far, now if any ſhall come that are not ſo qualified, they certainly do commit a breach upon your rule, and whether you will not think in this caſe that if any ſhall take upon them an Office of Truſt, that a penalty ſhall be put upon them where he is excepted, by the general rule whether you will not think it fit in that reſpect to deterr men from accepting of offices and places of truſt contrary to that Article, the next is fetcht in ſome reſpects I may ſay by head and ſhoulders in your inſtrument, yet in ſome reſpects it hath affinity with it, I may ſay I think is within your order upon this account, I am ſure of it, there is a mention in the laſt parts of your inſtrument, of your purpoſe to do many good things, I am confident not like the Gentleman that made his laſt will, and ſet down

a great number of the names of men, that ſhould receive benefit by him, and there was no ſum at the latter end. I am confident you are reſolved to deal effectually in the thing at the latter end, and I ſhould wrong my own confidence, if a ſhould think otherwiſe: I hope you will think ſincerely as before God, that the laws may be regulated, I hope you will. We have been often talking of them, and I remembred well at the old Parliament, that we were three months, and could not get over the word *Incumbrances* and then we thought there was little hope of regulating of the law, when there wa ſuch a difficulty as that. but ſurely the laws need be regulated, and I muſt needs ſay, I think it is a Sacrifice acceptable to God upon many accounts; and I am perſwaded it is one thing that God looks for and would have. I confeſs if any man would ask me, why, how would you have it done? I confeſs I do not know how, but I think verily at the leaſt, the delaies in ſuites, and the exceſſiveneſs in fees, and the coſtlineſs of ſuites and thoſe various things, that I do not know what names they bear, I heard talk of demurrers and ſuch like things which I ſcarce know; but I ſay certainly, that the people are greatly ſuffering in this reſpect, they are ſo; and truly, if all this whole buſineſs of ſettlement, whatſoever the iſſue of it ſhall be, it comes as I am perſwaded that it doth, as a thing that would pleaſe God by a Sacrifice in, or rather as an expreſſion of our thankfulneſs to God: I am perſwaded that this will be one thing that will be upon your hearts, to do ſomething that is honourable and effectual in it, that truly I ſay, that it is not in your inſtrument in ſomewhat that relates to the reformation of manners; you will pardon me my fellow ſouldiers that were raiſed upon that juſt occaſion of the inſurrection, not only to ſecure the peace of the Nation, but to ſee

that

that perſons that were leaſt likely, to help on peace or continue it, but rather to break; diſſolute and looſe perſons, that can go up and down from houſe to houſe, and they are Gentlemens ſons that have nothing to live on, and cannot be ſupplied to live to the profit of the Common-wealth, which I think had a good courſe taken with them, and I think that which was done to them was honourable, and honeſtly, and profitably done; and for my own part, I muſt needs ſay, it ſhewed the diſſoluteneſs which was then in the Nation, as indeed it ſprings moſt from that part of the Cavaliers, ſhould that party run on, and no care be taken to reform the Nation, to prevent perhaps abuſes that will not fall under this conſideration; we can ſend our children into *France*, before they know God or good manners, and return with all the Licentiouſneſs of that Nation; neither care taken to educate them before they go, nor to keep them in good order when they come home; indeed this makes the Nation, which not only committing thoſe abominable things, moſt inhumane things amongſt us, but hardens men to juſtifie thoſe things: and the Apoſtle ſaith, not only to do wickedly themſelves, but take pleaſure in them that do ſo; and truly, if ſomething be not done in this kind, without ſparing that condition of men, without ſparing mens Sons, though they be Noble mens Sons, let them be who they will is deboiſt, it is for the glory of God that nothing of outward conſideration ſhould ſave them in their debauchery, from a juſt puniſhment and reformation; and truly, I muſt needs ſay it, I would as much bleſs God to ſee ſomething done, as to that heartily, upon this account, not only to thoſe perſons mentioned, but to all the Nation, that ſome courſe might be taken for reformation, that there might be ſome ſtop put to ſuch a current

current of wickedneſs and evil as that is; and truly, to do it heartily, and nobly, and worthily: the Nobility of this Nation eſpecially, and the Gentry will have cauſe to bleſs you, and likewiſe that ſome care might be taken, that thoſe good Laws already made for the puniſhing of vice, may be effectually put in execution. This muſt I needs ſay of our Major Generals that do you ſervice, I think it was an excellent good thing, I profeſs I do, and I hope you will not think it unworthy of you, that when you have ſeen that, though you have good againſt the common countrey diſorders, that are every where, who is there to execute them: really a Juſtice of peace, ſhall from the moſt be wondred at, as an Owl, if he go but one ſtep out of the ordinary courſe of his fellow Juſtices, in the reformation of theſe things, and therefore I hope may repreſent that to you, as a thing worthy of your conſideration, that ſomething may be found out to ſuppreſs ſuch things, I am perſwaded you would glorifie God in it, as much as by any one thing you can do, and ſo I think you will pardon me. I cannot tell in this Article that I am now to ſpeak unto, whether I ſpeak to any thing or nothing: There is a deſire that the publick Revenue be not alienated, but by the conſent of the Parliament, I doubt publick Revenue is like *Cuſtodes libertatis Angliæ*, that is a notion only, and not to be found as I know of; but if there be any, and God bleſs us in our ſettlement, there will be publick Revenue accurring, and whether you will ſubject this to any alienation without the conſent of the Parliament, is that which is offered to you; truly this thing that I have further to offer to you it is the laſt in this paper, and it is a thing that is mentioned in the 16. Article, that you would have thoſe Acts and Ordinances

that

that have been made since the late troubles during the the time of them, that they should if they be contrary to this advice, that they should remain in such force, in such manner, as if this advice had not been given; why that that is doubted, is whether or no this will be sufficient to keep things in a settled condition, because it is but an implication, it is not determined, but you do pass by the thing without such a foundation as will keep those people which are now in possession of estates upon this account, that their Titles may be questioned and shaken, if that be not explained; and truly I believe you intend very fully in this business if the words already do not suffice, that I submit to your own advisement, but there is in this a very great consideration; there hath been since the Government several Acts, and Ordinances, that have been made by the exercise of that Legislative power, that was exercised since we undertook this govern nent, and I think your instrument speaks a little more faintly to these, and dubiously than to the other; and truly I will not make Apology for any thing, but surely two persons, two sorts of men will be meerly concern'd upon this account; that is, they that are exercised, and the persons who are the objects of that exercise, it dissettles them wholly, if you be not clear in your expressions in this business, it will dissettle us very much to think that the Parliament; that doth not approve well of what hath been done upon a true ground of necessity, as far as it hath saved this Nation from running into total arbitrariness, or subject it to any sort of men that would perhaps do so. We think we have in that thing deserved well of the State, if any man will ask me, but ah Sir, what have you done since? why ah, as I will confess my fault where I am guilty, so I think taking the things as they were, I think we did the Common wealth service, and we have in that made great settle-

ſettlements, that have we, we have ſetled almoſt all the whole affairs in *Ireland*, the rights and intereſts of the ſouldiers there, and of the planters and adventurers; and truly we have ſetled very much of the buſines of the Miniſtry, and I could wiſh that that be not to ſecure the grave men, I wiſh it be not, but I muſt needs ſay, if I have any thing to rejoyce before the Lord in this world, as having done any good, or ſervice, I can ſay it from my heart; and I know I ſay the truth, that it hath been, let any man ſay what he will to the contrary, he will give me leave to enjoy my own opinion in it, and conſcience, and heart, & dare bear my teſtimony to it, there hath not been ſuch a ſervice to *England*, ſince the Chriſtian Religion was perfect in *England* I dare be bold to ſay it, however here and there, there may have been paſſion and miſtakes, and the Miniſters themſelves, take the generality of them, they will tell it is beſides the inſtructions, and we did take it upon that account, and we did not upon, to do that which we did, *virtute inſtituti* as a *Jure Divino*, but as a civil good, but —— ſo we end in this thing, we know not better how to keep the Miniſtry good, and to augment it to goodneſs, than to put ſuch men to be Triers; men of known integrity, and piety, Orthodox men, and faithful, we know not how better to anſwer our duty to God, and the Nation, and the people of God, in that reſpect in doing what we did, and I dare ſay if the grounds upon which we went, will not juſtifie us, the iſſue, and event of it doth abundantly juſtifie us, God having had exceeding glory by it, in the generality of it, I am confident forty-fold; for as heretofore the men that have been admitted into the Miniſtry in times of Epiſcopacy, alas what pityful Certificates ſerved to make a man a Miniſter; if any man could underſtand Latin, and Greek, it was as if he ſpake Welſh, he was ſure to be admitted, which I think in thoſe days went for Hebrew with a great many; but certainly the pooreſt thing in the world would ſerve turn, and a man was admitted upon ſuch an account, I, and upon a leſs, I am ſure the admiſſion that had been to thoſe places ſince, had been under this Character, as the rule that they muſt not admit a man, unleſs he be able to diſcern ſome of the Grace of God in him, which was ſo put to, as that it was not fooliſhly or ſenſleſly, but ſo far as men could Judge according to the rules of Charity; but ſuch a man whoſe good life and converſation they could have a very good teſtimony of four or five of the neighbour Miniſters, who knew him, nor could they admit him, unleſs he could give a very good teſtimony of the grace of God in him; and to this I ſay, I muſt ſpeak my conſcience in it, though a great many are angry at it, all are angry at it, and how ſhall you pleaſe every body: then ſay ſome, none muſt be admitted, except perhaps he will be baptized, this is their opinion, they will not admit a man into a congregation, except he be ſo much leſs to be a Miniſter; the Presbyterian

rian he will not admit him, except he will be ordained, generally they will not go to the *Independants*; truly I think if I may not be partial, I think if there be a freedom of judgment, it is there. Here is three sorts of Godly men that you are to take care for, and that you have provided for in your settlement; and how could you now put it to the *Presbyterians*, but you must have done it with a possibility of exclusion of all those *Anabaptists*, and of the *Independants*; and now you have put it into the way, that if a man be of any of these judgments, if he have the root of the matter of him, he may be admitted; this hath been our care and work, by some Ordinances of ours, both laying the foundations of it, and many hundreds of Ministers being in upon it, and if this be a time of settlement, then I hope it is not a time of shaking, and therefore I hope you will be pleased to settle this business, that you will neither shake the persons that have been poorly instrumental, to call you to this opportunity of setling this Nation, and doing good to it; nor shake those honest mens interests that have been thus setled, considering so much good hath been wrought by them, and so *I* have done with the offers to you: But here is somewhat that is indeed exceedingly past my understanding, for I have as little skill in Arithmetick as I have in the Law; there is great sums it is well if I can count them to you. The present charge of the forces both by sea and land, including the Government, will be 2426289 *l.* the whole present Revenue in *England*, *Scotland*, and *Ireland*, is about 1900000 *l.* I think this was reckoned at the most, as now the Revenue stands: Why now toward this, you settle by your instrument 1300000 *l.* for the Government, and upon that account to maintain the force by Sea and Land, and this without land Tax I think, and this is short of the Revenue, that now may be raised by the Government, 600000 *l.* because you see the present Government is 1900000 *l.* & the whole sum which may now be raised, comes of the present charge 542689, and although an end should be put to the *Spanish* War, yet there will be a necessity of the preservation of the Peace of the three Nations, to keep up the present established Army in *England*, *Scotland*, and *Ireland*, and also a considerable Fleet for some good time, until it shall please God, to quiet, and compose mens minds, and bring the Nation to some better consistency, so that considering the pay of the Army, coming to upwards 1100000 *l. per annum*, and the Government 300000 *l.* it will be necessary, that for some convenient time, seeing you find things as you do, and it is not good to think a wound healed before it be; that there should be raised over and above 1300000 *l.* the sum of 600000 *l. per annum*, which makes up the sum of 1900000 *l.* that likewise the Parliament declare how far they will carry on the *Spanish* War, and for what time, and what farther time they will raise for the carrying

ing

ing on the ſame, and for what time, and if theſe things be not aſcertained, as one ſaith, money is the cauſe certainly, what e ver the cauſe is, if money be wanting, the buſineſs will fall to the ground, & all our labour will be loſt, and therefore I hope you will have a care of our undertakings

And having received expreſſions from you, that we may believe, we need not offer theſe things to you, that theſe things will be cared for, and theſe things have all of them been made overture of to you, and are before you, and ſo hath likewiſe the conſideration of the debts, which truly I think are apparent, and ſo I have done, that I have to offer you; I think I have truly for my part, and when I ſhall underſtand where it own me to do further, and when I ſhall underſtand your pleaſure in theſe things a little further, we have anſwered the order o Parliament, in conſidering and debating of theſe things, that were the ſubject matter of debate and conſideration, and when you will be pleaſed to let me here further of your thoughts in theſe things, then I ſuppoſe, I ſhall be in a condition to diſcharge my ſelf, as God ſhall put in my mind, and I ſpeak not this to evade, but I ſpeak in the fear and reverence of God, and I ſhall plainly and clearly, I ſay, when you ſhall have been pleaſed among your ſelves to take conſideration of theſe things, that I may hear what your thoughts are of theſe things, I do not ſay that, as a condition to any thing, but I ſhall be very free, and honeſt, and plain, to diſcharge my ſelf, of what in the whole, upon the whole, may reaſonably be expected from me, and God ſhall ſet me free, to anſwer you in.

His Highneſs Speech to the Parliament in the Banqueting Houſe at Whitehall, 8. of *May* 1657.

Mr. Speaker.

I *Came hither to anſwer that, that was in your laſt paper to your Committee you ſent to me, which was in relation to the deſires which were offered to me by the Houſe, in that they called their petition, I confeſs that buſineſs hath put the Houſe, the Parliament to a great deal of trouble, & ſpent much time, I am very ſorry that it hath coſt me ſome, and ſome thoughts, and becauſe I have been the unhappy occaſion of the expence of ſo much time, I ſhall ſpend little of it now, I have the beſt I can reſolved the whole buſineſs in my thoughts, and I have ſaid ſo much already in teſtimony of the whole, that I think I ſhall not need to repeat any thing that I have ſaid. I think it is a Government that the aims of it ſeek much a ſetling the Nation on a good foot in relation to civil rights and liberties, which are the rights of the Nation, and I hope I ſhall never be found to be of them that ſhall go about to rob the Nation of thoſe rights, but to ſerve them what I can to the attaining of them. It hath alſo exceeding well provided for the ſafety & ſecurity of honeſt men, in that great, natural and religious liberty, which is liberty of con-*

conſcience, theſe are great fundamentals, and I muſt bear my teſtimony to them (as I have and ſhall do ſtill ſo long as God lets me live in this world) that the intentions of the things are very honourable and honeſt, and the product worthy of a Parliament; I have only had the unhappineſs both in my conferences with your Committees, and in the beſt thoughts I could take to my ſelf not to be convicted of the neceſſity of that thing, that hath been ſo often inſiſted upon by you, to wit, the Title of King, *as in it ſelf ſo neceſſary, as it ſeems to be apprehended by your ſelves; and I do with all honour and reſpect to the Judgement of the Parliament, teſtifie that (cæteris paribus) no private judgement is to lie in the ballance with the judgement of a Parliament; but in things that reſpect particular perſons: every man that is to give an account to God of his actions, he muſt in ſome meaſure be able to prove his own work, that to have an approbation in his own conſcience of that he is to do, or forbear, and whilſt you are granting others liberties, ſurely you will not deny me this, it being not only a liberty, but a duty (and ſuch a duty as I cannot without ſinning forbear) to examine my own heart, and thoughts, and judgement, in every work which I am to ſet mine hand to, or to appear in or for.*

I muſt confeſs therefore, that though I do acknowledge all the other, yet I muſt be a little confident in this, that what with the circumſtances that accompany humane actions, whether they be circumſtances of time, or perſons, whether circumſtances that relate to the whole, or private, or particular circumſtances, that compaſs any perſon that is to render an account of his own actions; I have truly thought, and do ſtill think, that if I ſhould (at the beſt) do any thing on this account to anſwer your expectation, it would be at the beſt doubtingly: and certainly what is ſo is not of faith, whatſoever is not of faith is ſin to him that doth it, whether it be with relation to the ſubſtance of the action, about which the conſideration is converſant, or whether to circumſtances about it, which make all think indifferent actions good or evil to him that doth it. I lying under this conſideration, think it my duty, only I could have wiſhed I had done it ſooner, for the ſake of the Houſe, who have laid ſo infinite obligations on it, I wiſh I had done it ſooner for your ſakes, for ſaving time and trouble; and indeed for the Committees ſake, to whom I muſt acknowledge publickly I have been unſeaſonably troubleſome, I ſay, I could have wiſhed I had given it ſooner, but truly this is my anſwer, that although I think the government doth conſiſt of very excellent parts in all, but in that one thing the Title *as to me, I ſhould not be an honeſt man, If I ſhould not tell you, that I cannot accept of the government, nor undertake the trouble or charge of it, which I have a little more experimented than every man; what troubles and difficulties do befall men under ſuch truſts, and in ſuch undertakings, I ſay, I am perſwaded to return this anſwer to you,* That I cannot undertake this Government with the Title of a *King*, and that is mine anſwer to this great and weighty buſineſs.

FINIS.

D
C 19
113750

REPRODUCED FROM THE COPY IN THE

HENRY E. HUNTINGTON LIBRARY

FOR REFERENCE ONLY. NOT FOR REPRODUCTION